

**PART A** – Insert the following Land Unit into Part 6a – Land Units of the Hauraki Gulf Islands District Plan.

## **LAND UNIT 27 – MATIATIA**

### **6.27.0 DESCRIPTION**

The provisions of Land Unit 27 aim to facilitate the development of Matiatia to reflect its important status as the primary entry point for the Island and its role as the main transport centre.

Matiatia is the focus of high numbers of people associated with the use of the ferries and the wharf. As the main Waiheke transport terminal for regular passenger ferry sailings, the wharf at Matiatia requires areas of adjacent land to be properly managed and used to accommodate amongst other things, activities associated with wharf operations, such as car parking, freight handling, pedestrian movements and other related services and infrastructure. In addition, the Land Unit provides for retail activities, visitor facilities, accommodation, education, entertainment and other commercial activities consistent with the visitor and residents' "gateway" function.

In order to create an effective "gateway" to the Island, Land Unit 27 seeks to integrate and manage the development of the transportation network (roading, carparking, ferry and pedestrian linkages), the public infrastructure and the mixed use development on the valley floor to meet the needs of the increasing number of residents and visitors using Matiatia.

### **6.27.1 RESOURCE MANAGEMENT ISSUES**

There are a number of resource management issues that the provisions of Land Unit 27 seek to address and these are set out below:

- The development of the transportation network (roading, carparking and pedestrian access) to provide for the increasing needs of residents and visitors to the Island.
- The protection of the landscape values and the quality of the natural character of Matiatia.
- Facilitating the development of the privately owned land within the Land Unit to create a mixed use development with a high quality built environment
- Integration of the mixed use development with the adjoining public infrastructure
- Increasing public access to the coastline and important wetland areas

### **6.27.2 RESOURCE MANAGEMENT STRATEGY**

The strategic importance of Matiatia to Waiheke; and its key transportation function warrants a specific planning response through these Land Unit provisions (Land Unit 27). Matiatia is a varied environment with key natural, transport and development areas.

The primary resource management strategy for Land Unit 27 is to divide the Land Unit into "Precincts". Each of the precincts has a specific function or focus, which is a mechanism for achieving different outcomes in different parts of the Land Unit. The

objectives and policies for the Land Unit integrate each of these different outcomes to provide for the comprehensive development at Matiatia.

The precincts that relate to the publicly owned land within the Land Unit provide for the development of the roading network and carparking areas to provide for the various needs of residents and visitors to the island.

The precincts that relate to the privately owned land focus on enabling this land to be developed with a range and mix of uses to create an attractive, compact “gateway” style development. The mix of uses includes accommodation, retail, restaurants, commercial, conference, education, recreation, visitor and entertainment facilities that will provide for both residents and visitors to the Island. Development controls (including floor area and activity mix controls) have been put in place to manage the amount, location and scale of the development in order to ensure that a human scale and form is achieved and that the natural characteristics of Matiatia are protected.

The development activity in the privately owned precincts will be complemented by the opening up of the adjoining wetland area for appropriate public use (through council acquisition by way of financial contribution), provision of a number of pedestrian linkages and the protection of views from within the Land Unit.

The need to facilitate the development of the public infrastructure alongside the concentrated, mixed use development on the privately owned land has required that a different resource management strategy, including the use of Precincts, be adopted as compared to other land units within the Plan.

The primary strategy for each Precinct is as follows:

- Precincts 1 & 2 To provide a high quality built environment with a mix of activities (including carparking), public open spaces and pedestrian linkages.
- Precinct 3 To provide for a similar mix of activities to precincts 1 & 2 but with greater levels of control.. The activities and buildings in this Precinct should have regard to the character of the adjoining wetland area.
- Precinct 4 To enable further development of carparking activities in the Land Unit to meet the existing and future demands of the users of the Land Unit.
- Precinct 5 To enable the further development of the roading network and transport related facilities adjoining the wharf to meet the needs of residents and visitors to the Island.
- Precinct 6 To protect and enhance the ecologically valuable wetland area within Matiatia Bay
- Precinct 7 To encourage public recreation on the coastal foreshore area and to protect the coastal character of Matiatia Bay.

A Design Code and Environmental Code are included as appendices to the Land Unit and are also part of the resource management strategy for Land Unit 27. The Design Code recognises that the future built development within the Land Unit must be of a high quality and design in order to create a built form with high amenity value and to preserve the natural coastal character of Matiatia Bay. The Environmental Code recognises that relatively concentrated development is expected to occur in the Land Unit and puts in place effective mechanisms for mitigating any adverse effects from this development.

## **6.27.3 OBJECTIVES AND POLICIES**

### **6.27.3.1 OBJECTIVE**

**To promote the development of transport infrastructure within Matiatia to meet the increasing needs of residents and visitors to Waiheke.**

#### Policies

- (a) By utilising a precinct approach which limits the mix, scale and form of activities to the appropriate areas of the Land Unit.
- (b) Facilitating the development of the transportation network including roads, carparking and pedestrian access.
- (c) By ensuring that land use activities do not compromise the efficient movement of traffic, people and goods.
- (d) By securing sufficient carparking for future needs in a manner which enhances traffic management as well as maintaining visual amenity values.
- (e) By utilising the “Matiatia Transportation Plan” as a guiding document for ensuring that all transportation issues within Matiatia are identified and adequately addressed.

### **6.27.3.2 OBJECTIVE**

**To enable Matiatia to function as an effective “gateway” to Waiheke Island by providing for a mix of land use activities while protecting the natural character of the area and increasing public access to the wetland and esplanade reserve areas.**

#### Policies

- (a) By providing for a range of recreational, retail, commercial, conference, educational and service related activities that provide for the changing needs of the Islands residents and visitors.
- (b) By enabling recreation and visitor facilities (including accommodation) appropriate to the ‘gateway’ location.
- (c) By protecting the wetland area and requiring that this area be transferred to Council ownership (by way of financial contribution) and by limiting development in Precinct 6 to activities which will not detract from the natural characteristics of this area.
- (d) By ensuring that the visual form and character of Matiatia is protected by putting in place development controls and a Design Code which will require a high quality of built form.
- (e) By increasing the amount of public open space in the Land Unit and requiring the formation of the necessary pedestrian and vehicular linkages to integrate all the Precincts.

- (f) By protecting the visual amenity of the Land Unit through the creation of view shafts and open space areas and pedestrian links.
- (g) By protecting the natural environment of Matiatia Bay by putting in place development controls and an Environmental Code which avoid and mitigate any adverse effects on the natural wetland and coastal environment and require landscaping and appropriate planting to be implemented.
- (h) By providing for a flexible range and mix of uses within Precincts 1,2 and 3 which allow these areas to be developed and create an attractive built form in these parts of the Land Unit.

## 6A.27.4 ACTIVITIES

### 6A.27.4.1 ACTIVITY TABLE

The following table specifies the activity status of activities within Land Unit 27. The Precincts referred to are indicated on the Precinct Plan attached as Figure 9.

Where an activity is not specified in Table 1 or Table 2, or otherwise provided for within the Land Unit, the activity requires consent as a Discretionary Activity and is subject to the development controls contained in 6A.27.5. Any activity is considered to be a Table 2 "Threshold Activity" where it consistent with the definition contained in 6A.27.7.

The activities specified in Table 1 and Table 2 are subject to the development controls contained in 6A.27.5.

**TABLE 1**

P = Permitted Activity  
 RD = Restricted Discretionary Activity  
 RC = Restricted Controlled Activity  
 D = Discretionary Activity  
 NC = Non-Complying Activity

GENERAL ACTIVITIES	PRECINCTS					
	1	2	3	4	5	6
All new buildings and alterations to existing buildings (including accessory buildings but excluding advertising signs)	RC	RC	RC	RD	D	NC
Any activity not specified in Table 1 or otherwise provided for in the provisions of Land Unit 27	D	D	D	D	NC	NC
Earthworks associated with the creation of above ground and underground parking facilities where consent is held in respect of any applicable Regional Plan	RC	RC	RC	RC	NC	NC
Earthworks associated with the creation of above ground and underground parking facilities where consent is not held in respect of any applicable Regional Plan	RD	RD	RD	RD	NC	NC

Open air carparking and underground parking buildings (where the building is below finished ground level)	RC	RC	RC	RC	NC	NC
Above ground carparking buildings, roof top parking and parking areas not otherwise provided for in this table.	RD	RD	RD	RD	NC	NC
Helipads	D	D	D	D	NC	NC
Open air markets, tables, displays, stalls and seating (excluding permanent structures but including temporary structures and tents)	RC	RC	RC	D	NC	NC
Kiosks (including information kiosks)	P	P	P	D	D	NC
Public Transport corridors and associated infrastructure	RC	RC	RC	RC	RC	RC
Public amenity facilities including public toilets, observation and viewing areas and associated structure, footpaths, boardwalks, covered walkways, bridges, fencing, seating, street furniture, lighting equipment and sculptures	P	P	P	P	P	RC
Utility Services	P	P	P	P	P	P
Wastewater Treatment Facilities where ARC consent is held.	P	P	P	P	P	P
Wastewater Treatment Facilities where no ARC consent is held.	RD	RD	RD	RD	RD	RD

**TABLE 2**

P = Permitted Activity  
RD = Restricted Discretionary Activity  
NC = Non-Complying Activity

RC = Restricted Controlled Activity  
D = Discretionary Activity

<b>THRESHOLD ACTIVITIES FOR EACH PRECINCT</b>	1	2	3	4	5	6
Any activity not specified in Table 2 or otherwise provided for in the provisions of Land Unit 27	D	D	D	D	NC	NC
Community Facilities	P	P	P	D	D	D
Care Centres	P	P	P	D	NC	NC
Conference and Events Facilities	P	P	P	D	NC	NC
Commercial Facilities	P	P	P	D	NC	NC
Educational Facilities	P	P	P	D	NC	NC
Entertainment Facilities	RC	RC	RC	D	NC	NC
Healthcare Services where the gross floor area does not exceed 500m <sup>2</sup>	P	P	P	D	NC	NC
Recreation Facilities	RC	RC	RC	D	NC	NC
Residential Units (provided that the total floor area of all residential units within the land unit is less than 10,000m <sup>2</sup> )	P	P	P	D	NC	NC
Restaurants, where the gross floor area (including outdoor seating)	P	P	RD	D	NC	NC

open to the public does not exceed 500m <sup>2</sup>						
Restaurants, where the gross floor area (including outdoor seating) open to the public exceeds 500m <sup>2</sup>	RD	RD	RD	D	NC	NC
Retail Premises, where the gross floor area open to the public does not exceed 500m <sup>2</sup>	P	P	RD	RD	D	NC
Retail Premises where the gross floor area open to the public exceeds 500m <sup>2</sup>	D	D	D	D	NC	NC
Bars / Taverns where the gross floor area open to the public does not exceed 500m <sup>2</sup>	P	P	RD	D	NC	NC
Bars / Taverns where the gross floor area open to the public exceeds 500m <sup>2</sup>	RC	RC	RD	D	NC	NC
Visitor Centres	P	P	RD	D	NC	NC
Visitor Facilities	P	P	P	D	NC	NC

#### 6A.27.4.2 SUBDIVISION

The following subdivision rules and standards apply in Land Unit 27. They are in addition to the objectives, policies and general rules and standards in Part 8 of the Plan. Where any conflict exists between Part 8, and this part, the provisions of Rule 6A.27.4.2 – Subdivision take precedence. All subdivisions shall be assessed in accordance with the criteria set out in Part 6A.27.6.

- (a) A Restricted Controlled application is required for the creation of roads, access lots, access-ways, reserves, public and private car parks, open space, access precincts, boundary relocations, special purpose lots and individual precincts provided that the subdivision activity is consistent with the Precinct Plan.
- (b) In addition to the above control, the following table sets out the activity status of subdivision to create sites within Precincts 1–4:

Restricted Controlled	R.Discretionary	Discretionary
<ul style="list-style-type: none"> <li>Individual car parks (spaces)</li> <li>Individual parking buildings</li> <li>Any other existing individual building(s)</li> <li>Separate retail tenancies, separate non-retail tenancies, residential units, visitor facility / accommodation units, common service areas and common facilities and access areas within any individual building</li> </ul>	<ul style="list-style-type: none"> <li>Lots equal to or greater than 2000m<sup>2</sup></li> <li>Any Restricted Controlled Activity subdivision where any of the General Rules in Part 8 are not met.</li> </ul>	Any subdivision not provided for as a Restricted Controlled or Restricted Discretionary Activity

- (c) Any Subdivision within Precincts 5 & 6 requires consent as a non-complying activity

**6A.27.4.3 TEMPORARY ACTIVITIES**

- (i) The following temporary activities are permitted activities in all Precincts;
- (a) Offices, storage sheds, scaffolding and falsework, storage yards, builders workshops or uses of a similar character where such buildings or uses are:
    - (i) required for a building construction project; and
    - (ii) limited to the duration of the project or for a period not exceeding 18 months (whichever is the lesser) , and
  - (b) Public performances, concerts, open air fairs, markets, entertainment, meetings, parades, filming, weddings, festivals and activities of a similar nature provided that:
    - (i) such activities and structures for these activities (inclusive of the time required for establishing and removing all structures and activities associated with the use) do not occupy any venue for more than a total of
      - a. 10 days at Easter or;
      - b. 7 days at any other time; and
    - (ii) all structures shall meet LU 27 height controls;
- Where the temporary activity generates noise levels in excess of that provided for as a Permitted Activity within Land Unit 27 the following provisions also apply:
- (iii) the cumulative duration of the activity does not exceed 14 hours per day; and
  - (iv) all associated amplified entertainment shall start no earlier than 10.00am and shall finish no later than 12:00pm Sunday to Thursday inclusive or 1:00am Fridays and Saturdays; and
  - (v) sound testing and balancing of all sound systems including vocal checks by performers shall cumulatively not exceed 4 hours and shall not commence before 10:00am on any day and shall be completed by 7:00pm on the day of the activity ; and
  - (vi) the maximum noise levels arising from the activity measured 1m from the façade of the nearest residentially used building within the Land Unit shall not exceed 75dBA L<sub>10</sub> and 85dBA L<sub>1</sub>, and
  - (vii) There shall be no more than 10 events in any 12 month period.
- (ii) Any temporary activity that is not provided for as a permitted activity shall require consent as a restricted discretionary activity.

#### 6A.27.4.4 EARTHWORKS

The following table (i) Earthworks (General) sets out the activity status in relation to all earthwork activities within Land Unit 27, provided that, where the earthwork activity is necessary for creating and developing carparking activities the provisions of (ii) Earthworks (Carparking) shall apply.

##### (i) Earthworks (General)

	Permitted * Activities	Restricted Activities	Controlled	Discretionary Activities
Precincts 1-4	<250m <sup>3</sup>	250m <sup>3</sup> – 1500m <sup>3</sup>		>1500m <sup>3</sup>
Precincts 5 & 6	<50m <sup>3</sup>	50m <sup>3</sup> – 100m <sup>3</sup>		>100m <sup>3</sup>

##### \* Permitted Activity Standard

All earthworks provided for as a permitted activity shall be carried out in accordance with the provisions of the Auckland Regional Council Technical Publication 90 (TP 90).

##### (ii) Earthworks (Carparking)

For Precincts 1 to 4 only, earthworks (including site re-contouring) that are to be carried out to enable the provision of above ground, underground and open air car parks, the following consents are required:

- If the necessary Auckland Regional Council consents have been granted, restricted controlled activity application shall be required.
- If the necessary Auckland Regional Council consents have not been granted a restricted discretionary activity application shall be required.
- If no Auckland Regional Council consents are required a restricted controlled application shall be required.

#### 6A.27.4.4 HERITAGE

The rules relating to heritage protection are contained in Part 10 of the Plan.

#### 6A.27.4.5 OTHER REQUIREMENTS AND INFORMATION

The information and requirements outlined in Part 6D of the Plan must be provided as part of any application for a resource consent.

In addition to the requirements set out in Part 6D, all applications for new buildings and alterations to existing buildings in Land Unit 27 must demonstrate how the building will be integrated with and served by adequate public spaces, pedestrian links and landscaping. The required information and associated landscape plan shall be prepared in accordance with the Design Code and Environmental Code contained in Appendices 1 and 2 to the Land Unit.



## 6A.27.5 DEVELOPMENT CONTROLS

The following development controls and standards set out below replace the provisions of Part 6B & 6C - Standards for Permitted and Discretionary Activities set out in the Plan, except where otherwise specified below.

### 6A.27.5.1 BUILDING LOCATION

- (a) No new buildings (excluding temporary buildings) and alterations to existing buildings shall be located within the areas identified on the Precinct Plan as open space or view shaft. Except that a building, or a part of a building may be located on land identified as open space or view shaft as a restricted discretionary activity.
- (b) Notwithstanding the above requirement, where public amenity facilities (as specified in the activity table) are located in open space or a view shaft no consent is required under this provision.

### 6A.27.5.2 BUILDING COVERAGE

- The activity status in relation to the footprint of all new buildings and alterations to existing buildings within each precinct is as follows:

	Permitted Activity Footprint	Restricted Activity Footprint	Controlled Activity Footprint	Discretionary Activity Footprint
Precinct 1 & 2	<30%	30-35%		≥ 35%
Precinct 3	<20%	20-25%		≥ 25%
Precinct 4	<50%	50-60%		≥ 60%
Precinct 5	<10%	10-20%		≥ 20%
Precinct 6	<5%	5-10%		≥ 10%

NB: definition of building coverage is contained in Section 6A.27.7 apply.

### 6A.27.4.6.3 MAXIMUM HEIGHT CONTROLS

The following table specifies the activity status for the height of all buildings and alterations to existing buildings within each precinct:

	Permitted Activity	R.Controlled Activity	R.Discretionary Activity	Discretionary Activity
Precinct 1 & 2	8m	8-10m	10-13m	>13m
Precinct 3	8m	NA	8-10m	>10m

Precinct 4	6m	6-7m	7-8m	>8m
Precinct 5 & 6	5m	5-7m	NA	>7m

The definition of height set out in Part 11 of the Plan shall apply, provided that:

- a) if the ground level has changed as a result of the construction of an underground carpark, the average finished ground level of the affected area (being the top of the roof of the car park) shall be used for any height measurement, and
- b) lift overruns are excluded from the height calculation provided that they are designed to be consistent, where practicable, with the Design Code and do not exceed the minimum dimensions to meet public health and safety standards.

#### 6A.27.5.4 THRESHOLD CONTROLS

The activities identified in Table 2 as “Threshold Activities” are subject to each of the control set out below.

For the purpose of this control, “non-retail” activities means all threshold activities other than retail, restaurant, bar and tavern activities.

##### (i) Permitted Activities

- The establishment of any threshold activity provided that the combined gross floor area of threshold activities does not exceed 23,000m<sup>2</sup> within Precincts 1, 2 & 3.
- The establishment of any retail, restaurant, bar or tavern activity provided that the total gross floor area of such activities within Precincts 1,2 & 3 combined is not more than 10,000m<sup>2</sup> and of that 10,000m<sup>2</sup> not more than 4300m<sup>2</sup> of gross floor area is utilised as retail activity.
- The establishment of a “non-retail” activity where the total gross floor area of such activities within Precincts 1, 2 & 3 combined is not more than 13,000m<sup>2</sup> and will not exceed the following areas in each Precinct

Precinct	Permitted Gross floor area
Precinct 1	7750m <sup>2</sup>
Precinct 2	6550m <sup>2</sup>
Precinct 3	1200m <sup>2</sup>

NB: While the gfa's provided for in each Precinct total's more than the 13,000m<sup>2</sup> provided for as a Permitted Activity, the 13,000m<sup>2</sup> limit still applies. The additional area is intended to recognise that the amount of “non-retail” activity in each precinct may change over time to a limited degree.

## (ii) The following activities are Restricted Discretionary Activities

- The establishment of any threshold activity where the combined gross floor area of threshold activities is between 23,000m<sup>2</sup> and 29,300m<sup>2</sup> within Precincts 1, 2 & 3.
- The establishment of a “non-retail” activity where the total gross floor area of such activities within Precincts 1, 2 & 3 combined will be between 13,000m<sup>2</sup> and 19,300m<sup>2</sup> and will not exceed the following areas in each Precinct.

PRECINCT	R.DISCRETIONARY GROSS FLOOR AREA
Precinct 1	11050m <sup>2</sup>
Precinct 2	9550m <sup>2</sup>
Precinct 3	1220m <sup>2</sup>

NB: While the gfa's provided for in each Precinct total's more than the 19,300m<sup>2</sup> provided for as a Restricted Discretionary Activity the 19,300m<sup>2</sup> limit still applies. The additional area is intended to recognise that the amount of “non-retail” activity in each precinct may change over time to a limited degree.

## (iii) The following activities are Discretionary Activities

- The establishment of any threshold activity that is not provided for as a Permitted or Restricted Discretionary Activity.

**6A.27.5.5 NOISE STANDARDS WITHIN PRECINCTS**

All activities shall be designed and conducted so as to ensure that the following noise limits are not exceeded. Where the following noise standards are exceeded, consent as a Restricted Discretionary Activity is required.

- Within Land Unit 27:

The A-weighted L<sub>10</sub> noise level, the L<sub>10</sub> noise levels at 63Hz and 125Hz respectively, and the maximum noise level (L<sub>max</sub>) arising from any activity within Land Unit 27 as measured 1 metre from the facade of the nearest adjacent occupied building, shall not exceed the following levels:

7:00am to 11:00pm	L <sub>10</sub> 65dBA
11.00pm to 7.00am	L <sub>10</sub> 65dBA L <sub>10</sub> 70dB @ 63Hz L <sub>10</sub> 65dB @ 125Hz L <sub>max</sub> 85dBA

The noise levels shall be measured in accordance with the requirements of NZS 6801:1991 “Measurement of Sound” and during the daytime shall be assessed in accordance with NZS6802:1991 “Assessment of Environmental Sound”. At night time (between 11:00pm and 7:00am) noise shall be assessed in accordance with NZS6802:1991 “Assessment of Environmental Sound” except clause 4.4 shall not

be used. The noise shall be measured with a sound level meter complying at least with the International Standard IEC651 (1979) Sound Level Meters, Type 1.

- Within buildings:

New buildings and alterations to existing buildings to be used for residential use, accommodation or visitor facilities shall be so designed and constructed to meet the following standard:

- The noise received in all bedrooms shall not exceed 35dBA  $L_{10}$  and in all other habitable rooms shall not exceed 45dBA with ventilating windows open, assuming that the outside noise level measured 1metre from the façade of the building is  $L_{10}$  65dBA.
- Where an internal noise level for a habitable room can only be met with doors and/or windows closed, then an alternative means of ventilation must be provided which meets the requirements of the Building Regulations 1992 (clause G4 of the Building Code).
- An Acoustic Design Report shall be obtained from a suitably qualified Acoustic Engineer confirming that the building will be constructed to meet the above requirement.

- Outside the Land Unit:

Within the notional boundary (see definition in Part 6B.1.3.5) of any dwelling on an adjacent Land Unit the following requirements apply:

7:00am to 10:00pm	$L_{10}$ 55dBA $L_{10}$
10.00pm to 7.00am	$L_{10}$ 45dBA $L_{10}$ $L_{max}$ 70dBA $L_{10}$ 60dB @ 63Hz $L_{10}$ 55dB @ 125Hz

- Construction Noise:

Noise resulting from construction shall comply with Table 2 of NZS 6803:1999 when measured and assessed in accordance with NZS 6803:1999 Acoustics – Construction Noise. Refer to Section 7.2.1 of NZS6803:1999 for the definition of short term, typical duration and long term construction work and Section 3 of the standard for the definition of construction work.

#### 6A.27.5.6 PARKING STANDARDS

The following Table sets out the parking standards for all activities within the Land Unit. Where the following standards cannot be met, a restricted discretionary application is required.

<b>Parking Standards</b>	
Retail activities, Restaurants, Taverns and Bars	1 park per 150m <sup>2</sup>
Residential Units	1 park per unit
Offices	1 park per 55m <sup>2</sup>
Movie theatres	1 park per 7.5 people

Visitor Facilities and any other Non-Permanent Accommodation	1 park per 5 units
All other activities (excluding carparking activities)	1 park per 100 m <sup>2</sup>

Note: The required parking does not have to be provided within the same precincts as the activity.

#### **6A.27.5.7. WASTEWATER DISPOSAL**

For all activities, provision shall be made for the satisfactory disposal of all effluent, foulwater and stormwater in accordance with the requirements of the relevant City bylaw and the rules and standards included in the provisions of any Regional Plan or Auckland Regional Council Technical Publication.

- Where provision for the disposal of effluent, foulwater and stormwater is made within Land Unit 27, the disposal of such is a permitted activity where it is carried out in accordance with any necessary Auckland Regional Council consent. The disposal of all effluent, foulwater and stormwater within Land Unit 27 that is not in accordance with any Auckland Regional Council consent is a Restricted Discretionary activity.
- Where provision for the disposal of effluent, foulwater and stormwater is made to an approved site outside of Land Unit 27, the disposal of such is a permitted activity where it is carried out in accordance with any Auckland Regional Council consent. The disposal of all effluent, foulwater and stormwater outside of Land Unit 27 that is not to an approved site in accordance with any necessary Auckland Regional Council consent is a Restricted Discretionary activity.
- Where no consent is required from the ARC, provision for wastewater shall be in accordance with the standard set out in Rule 6B.1.1.1.

#### **6A.27.5.9 FINANCIAL CONTRIBUTIONS**

Any new subdivision or development in Precincts 1,2 or 3 shall provide a financial contribution.

For the purpose of meeting all required financial contributions for all and any subdivision and land use or development activities up to a gross floor area of 29,300m<sup>2</sup> on Lot 8, DP 146325 (or any allotments or Titles subsequently created from that land) the following shall apply:

- Precinct 6 and part of Ocean View Road shall be transferred to Council (shown on Figure 10)
- The area marked on Figure 10 is to be subject to a covenant

Where land use or development activities on Lot 8, DP 146325 (or any allotments or titles subsequently created from that land) result in a gross floor area in excess of 29,300m<sup>2</sup>, the provisions of Part 9 will apply to that portion of the land use or development, which has a gross floor area in excess of 29,300m<sup>2</sup>.

Note: In applying the provisions of Part 9 to development in excess of 29,300m<sup>2</sup>, credit shall be given for any gross floor area provided in Lot 8, DP 146325 (or any allotments or Titles subsequently created from that land) which constitutes a building for public recreation.

#### **6A.27.5.10 OTHER STANDARDS AND DEVELOPMENT CONTROLS**

The following standards set out in Part 6B of the Plan apply to all land use activities within Land Unit 27. If the following standards cannot be met, a Discretionary Activity Consent is required in accordance with the relevant provisions of Part 6C.

6B.1.1.5 – Roading

6B.1.3.4 – Hazard Areas

6B.1.1.6 - Aircraft

6B.1.3.10 – Artificial Lighting

6B.1.3.1 – Protected Items

6B.1.4.1 – Hazardous Facilities

6B.1.3.2 – Protection of Sites of Ecological Significance

#### **6A.27.6 ASSESSMENT CRITERIA**

##### **6A.27.6.1 RESTRICTED CONTROLLED ACTIVITIES**

The Council shall give consideration to the following criteria in assessing any application for a restricted controlled activity { controlled activities limited pursuant to s.94 (1)(b) of the Act}:

(a) Location of Buildings/Structures.

- The extent to which buildings and structures are located to minimise dominance effects on public open spaces and the natural landforms within and surrounding the Land Unit.
- Where any structures or buildings, such as kiosks, stalls and displays, are located in any areas of open space or view shaft the layout, size and number of buildings and structures shall be such that pedestrian movement shall not be hindered and the sense of ‘openness’ associated with those defined open spaces shall be retained.

(b) Design and External Appearance.

The extent to which:

- New buildings and alterations to existing buildings are consistent with the Design Code contained in Appendix 1.
- New buildings and alterations to existing buildings are designed to minimise the potential visual effects on the open space, view shafts and the natural characteristics and landforms of Matiatia Bay in general.
- New buildings and alterations to existing buildings are of a scale and form which is consistent with the surrounding buildings and creates a ‘people orientated’ built environment.

- New buildings are appropriately landscaped and served with pedestrian linkages.

(c) Design Code

All development must be generally consistent with the Design Code and should secure the open spaces, view protection corridors, pedestrian and vehicle linkages shown in the Precinct Plan (Figure 9) and any additional pedestrian linkages that are necessary to integrate the various precincts.

(d) Carparking & Transportation

- All carparking and transportation activities must be consistent with the Matiatia Transportation Plan or any successive plan (refer Appendix 3).
- Permanent carparking areas and buildings must be suitably designed and screened to reduce potential visual impacts and to minimise any detracting from amenities of the coastal maritime landscape and coastal edge.
- The location and design of vehicle parking areas and transport terminals must ensure safe and efficient pedestrian and vehicular access to the wharf and adjoining precincts.
- Entry and exist points to carparking areas must be designed with reference to existing intersections and to avoid adverse effects on the pedestrian and vehicle network.
- The carparking area / building must provides adequate manoeuvring and circulation within the area or building.
- Access from parking areas to adjoining residences should be relatively direct and safe for residents, day and night.
- Loading spaces are to be provided for the efficient loading and unloading of service and delivery vehicles
- Reference shall be made to the Part 1.2 of the Design Code.

(e) Earthworks

- The extent to which mechanisms have been put in place to avoid the potential adverse effects arising from soil erosion, the generation of sediments and the movement of material to and from the site.
- Reference shall be made to the relevant parts of the Environmental Code.

(f) Noise

- Buildings should be designed, constructed and the activity carried out to minimise the potential for the generation of offensive noise. Relevant performance standards are set out in the Development Controls.

(g) Site Facilities / Service Areas

- Developments should not generate smells, odours, fumes, smoke, steam, dust or other particulate, which will be offensive or hazardous or cause nuisance to surrounding occupants.
- Applicants shall demonstrate that external lighting of premises will not lead to significant adverse effects, including light spill and glare, of adjoining properties.

- Service areas, plant and equipment and storage facilities must be adequately screened to avoid adverse visual impacts on the adjoining development.

(h) Subdivision

- All subdivisions shall be consistent with the Precinct Plan
- Adequate access, parking and service areas shall be provided
- All subdivided buildings shall comply with all other statutory requirements including fire and safety
- Where there are common lots, there shall be appropriate mechanisms to ensure that all management and maintenance requirements are sustainable

#### **6A.27.6.1.1 RESTRICTED CONTROLLED ACTIVITIES - CONDITIONS**

In regard to restricted controlled activities including those limited pursuant to Section 94(1)(b) of the Resource Management Act 1991, the Council reserves its control under s.105 (1)(a) to the following matters:

- (i) The removal and planting of vegetation
- (ii) Landscaping, including earthworks
- (iii) Drainage, stormwater disposal and effluent disposal
- (iv) The visual screening of buildings, yards, service areas or carparks
- (v) The orientation, cladding, scale, form and colour of buildings (design and appearance matters)
- (vi) The location and construction of vehicle entry, egress, manoeuvring, parking and servicing facilities
- (vii) The provision of pedestrian areas, verandahs, plazas, public open space, arcades or similar areas
- (viii) Protection of view shafts towards the sea and within relevant precincts
- (ix) The creation, maintenance and enhancement of open space areas including management of buildings and structures within such areas
- (x) The operating characteristics of an activity including hours of operation

#### **6A.27.6.1.2 RESTRICTED CONTROLLED ACTIVITIES – NOTIFICATION**

Except as provided for by Section 94(5) of the Resource Management Act 1991, all Restricted Controlled Activities will (pursuant to Section 94(1)(b) of the Resource Management Act 1991) be considered without notification or the need to obtain the written approval of affected persons.

#### **6A.27.6.2 DISCRETIONARY ACTIVITIES**

Any application for a discretionary activity (including those limited pursuant to Section 94(1A) of the Resource Management Act 1991 will be assessed in terms of the relevant assessment criteria contained in Part 6E of the Plan (except 6E.1.1.7) and the provisions set out below.

Council's discretion under Section 94 (1A) is limited to all the matters set out below except where those matters specifically identify that a particular matter applies to Discretionary Activities only.



#### **6A.27.6.2.1 GENERAL**

##### **(a) Pedestrian Safety and Convenience**

Any discretionary proposal must address pedestrian safety and convenience both within the site and in terms of the relationship to the road network. In addressing this matter, reference should be made to the Design Code.

##### **(b) Site Amenity**

A high standard of visual amenity is required in the Land Unit. Applications for discretionary activities shall be prepared with reference to the landscaping and pedestrian linkage provisions of the Design Code and Environmental Code.

#### **6A.27.6.2.2 ACTIVITIES**

##### **(a) Earthworks**

The extent to which the earthworks can be undertaken in a manner which minimises adverse effects arising from soil erosion and the generation of sediments, taking into account:

- The steepness of the land (slope angle and horizontal length)
- Soil type and stability
- Existing vegetation cover
- Proximity to the wetland and water systems
- Proposed sediment and erosion control measures
- The time of year and the length of time that the soil is likely to be exposed
- Proposed disposal of surplus soil or requirements from importing cleanfill
- Proposed reinstatement and stabilisation including planting and drainage

##### **(b) Temporary Activities**

The following criteria shall be taken into account when considering applications for Temporary Activities;

- The proposed hours of operation and duration of the activity
- The extent to which the activity may give rise to adverse effects including noise on residentially used buildings within and surrounding the Land Unit
- The extent to which the activity may give rise to adverse effects related to the activities of crowds using the road network and the carparking facilities and the extent to which those effects are avoided, remedied or mitigated
- The extent to which the activity may give rise to adverse effects related to the activities of crowds using the wastewater disposal system and the extent to which those effects are avoided, remedied or mitigated.

##### **(c) Residential Activities**

Applications for residential activity shall be considered with reference to the following:

- The relevant provisions of the Design Code
- Whether the private open spaces and habitable rooms of adjacent existing dwellings are reasonably protected from direct overlooking by new residential development (in new and existing buildings). Methods to achieve this include but are not limited to:
  - Dwelling layout;
  - Design detail;
  - Spatial separation;
- Each residential unit is to be designed and constructed so as to provide an adequate level of amenity for the occupants of the residential unit, primarily in terms of private open space / outlook and noise.
- The extent to which there is a demand for any proposal
- The consistency of any proposal with the Council's growth strategies

(d) Carparking

The following matters are to be considered in relation to carparking applications:

- The extent to which any roof top parking and above ground carparking buildings are designed and constructed in such a manner that they will not be visually obtrusive and shall maintain the natural character of Matiatia .
- Reference shall be made to the relevant features of the Design Code, including those parts relating the Mass of Buildings, Roof Form and Detail, Buildings abutting Public Open Space and the Natural Precincts and Part 1.2 (i).
- The location and design of vehicle parking areas and buildings is to ensure safe and efficient pedestrian and vehicular access to the wharf and the adjoining precincts.
- Entry and exit points to carparking areas must be designed with reference to existing intersections and to avoid adverse effects on the pedestrian and vehicle network.
- The carpark layout must provide adequate manoeuvring and circulation within the area or building.
- Access from parking areas to adjoining residences should be relatively direct and safe for residents, day and night.
- Loading spaces are to be provided for the efficient loading and unloading of service and delivery vehicles

(e) Location and Scale of Activities

- The nature, size and scale of activities (gfa) established in the Land Unit shall be limited so as to;
  - Maintain a consistent size and scale of activities within the Land Unit
  - To ensure that the human scale and form of buildings and activities is maintained

- Ensure that the car parking and transportation demands of activities is appropriate for the Land Unit given the parking available and the existing road network
- Avoid adverse effects of activities on adjoining natural landscape and character areas such as the wetland and coast
- Ensure that the primary objectives of each Precinct and the Land Unit can be achieved e.g. within Precincts 4 & 5 the ability of these Precincts to achieve the primary objectives of parking and transportation should not be compromised by other activities of an inappropriate size and scale.

(f) Helipads

Helipads shall be assessed in terms of the criteria and provisions set out in 6F.1.1.7 – Helipads and Farm Strips, provided that the notional boundary is defined as a line 20m from the façade of any dwelling (on an adjacent Land Unit).

**6A.27.6.2.3 DEVELOPMENT CONTROLS**

(i) Building Location & Building Coverage

(a) Building Location

The extent to which buildings and structures located in areas of open space or view shaft have been designed to avoid significant adverse effects on the adjoining public spaces and view shafts including overshadowing, dominance, impeding pedestrian flows and detracting from views and the open character of the locality.

(b) Building Coverage

Applications should be consistent with the Design Code and will be assessed against each of the following criteria:

- The extent of proposed building coverage
- The extent to which the built form (massing) of the proposed development (in the context of the surrounding buildings) will detract from and / or dominate the coastal character of the locality (reference should also be made to (ii) (b) Height – Discretionary Activities below).
- The extent to which the existing open space character of the Precincts 1 & 2 will be compromised
- Alternative designs which may be reduce the infringement or the effect of the infringement

(ii) Height

(a) Restricted Discretionary Activities

- Applications should be consistent with the Design Code
- Building in Precinct 3 should be designed to avoid dominance on effects on the surrounding natural landscape

- To avoid adverse visual effect all buildings with a height between 10m and 13m are to be:
  - Located in the southern portion of either of Precincts 1 or 2 (as determined by the line of the pedestrian linkage), and
  - Have a sloping and varied roof form, and
  - The total roof area in excess of 10m must not exceed 10% of the area of Precinct 1 and 5% of Precinct 2

(b) Discretionary Activities

Applications should be consistent with the Design Code and reference shall be made to the criteria for Restricted Discretionary Activities and the following criterion;

The extent to which new developments are visually compatible in scale with the surrounding development and the natural and coastal character of the area. Visual compatibility can be achieved through a variety of means, including those set out below. Where larger buildings are to be inserted in areas with smaller buildings the extent to which the massing and design of the larger buildings ensures that they do not dominate the built scale of their surroundings and the coastal edge will be taken into account. Methods to moderate the apparent bulk of a building include consideration of the articulation of the buildings form and surface treatment. Methods to achieve this include but are not limited to:

- Roof forms;
- Inclusion of verandahs and balconies; and
- Window placement

(iii) Threshold Controls

(a) Restricted Discretionary Activities

- The extent to which the development will contribute to providing a variety of activities on the site which service the needs of both residents and visitors to the Island.
- The extent to which the transportation and carparking demands of the proposed development will detract from the capacity and efficiency of the existing carparking and transportation network at Matiatia.
- The extent to which the increased intensity of activity at Matiatia will detract from the natural character and amenity of the locality.
- The ability of the development to be adequately serviced by the necessary wastewater disposal facilities.

(b) Discretionary Activities

- The extent to which a development proposal may have an adverse effect on existing commercial and business centres on Waiheke, including the effects on:
  - The effect on the infrastructure supporting or servicing existing centres – including the wastewater and stormwater networks.
  - The effect on the overall availability of community services and facilities.
- The extent to which a development proposal in a particular Precinct is consistent with the objective for that Precinct and / or the surrounding Precincts and natural areas.

(iv) Noise

Where an activity does not comply with the noise standards set out in 6A.27.5.5, the following issues are to be assessed:

- The proposed hours of operation and duration of the activity
- The extent to which the activity may give rise to adverse noise effects on uses within and surrounding the Land Unit and the extent to which those effects are avoided, remedied or mitigated.

(v) Parking Standards

An application for a parking shortfall shall demonstrate that the shortfall will not result in significant adverse effects:

- on the capacity and safety of the road network
- the character and amenity of the area
- the ability to meet the parking requirements of the users of the Land Unit.

The potential adverse effects of the parking shortfall shall be assessed with regard to the nature and operating characteristics of the activity. Where appropriate, Council may require an assessment to be carried out by a qualified traffic engineer.

(vi) Wastewater and Stormwater Disposal and Air Discharges

Applications for discharge permits for stormwater discharges, wastewater treatment and disposal and air emissions must adequately demonstrate that the activity will not result in any significant adverse effects on the surrounding natural environment. Such applications should also be assessed with regard to the assessment criteria set out in Part 6E.1.1.E and the Environmental Code contained in Appendix 2 to LU 27. Where a proposal requires consent from the ARC, all applications will be processed concurrently.

(vii) Artificial Lighting

Where any proposal includes the use of artificial lighting on a site(s) producing a luminance in excess of 150 lux at ground level the following criteria will apply:

- An application shall demonstrate that significant adverse effects including light spill and glare on the visual privacy of adjoining sites or land can be reduced, avoided or mitigated. The use of measures such as screening, dense planting of buffer/separation areas may be required where these may lessen impact.
- Particular consideration will be given to the placement, design and screening of light fittings and whether their size and luminance is appropriate to the size of the subject site and to the general lighting levels of the surrounding area.
- Where the use of artificial lighting will extend the duration of activities on a site beyond normal daytime hours, the Council may impose conditions on noise levels and hours of operation so as to protect sites from unreasonable noise.
- Artificial lighting masts or poles will generally be required to comply with permitted height limits. An increase in height may be acceptable if it can be demonstrated that it will not adversely affect adjoining sites, and it will result in decreased light spill. In such instances, conditions relating to the colour of light fittings and poles may be imposed in order to reduce the visual impact of the lighting pole and fittings.
- Proposals shall demonstrate that inappropriate or detrimental changes to the night sky viewing conditions of the surrounding area will not occur.

**6A.27.6.2.4 SUBDIVISION**

All subdivisions that are restricted discretionary or discretionary activities shall be assessed in accordance with the following criteria in addition to those set out in Part 6E of the Plan;

i) Restricted Discretionary Activities

- All subdivisions shall be consistent with the Precinct Plan
- Where any lots having an area of 2000m<sup>2</sup> or greater are proposed, such lots shall be of dimensions that enable the individual precinct outcomes as set out in the general strategies for each precinct to be achieved and also shall ensure that the Design and Environmental Codes can be given effect to by any land use activities.
- All subdivided buildings shall comply with all other statutory requirements including fire and safety
- Where there are common lots, there shall be appropriate mechanisms to ensure that all management and maintenance requirements are sustainable
- All lots providing for residential activities shall provide for adequate outlook and privacy for each separate residential unit
- Adequate access, parking and service areas shall be provided. In general, any proposal should comply with the parking and access controls for LU 27 unless it is not appropriate to do so because of inherent site considerations

and extraordinary vehicle or pedestrian movements and/or particular characteristics of the proposed activities and local circumstances.

ii) Discretionary Activities

In addition to the matters set out above all discretionary subdivisions shall;

- Facilitate the key transport strategies for the Land Unit and be consistent with the individual strategies for each precinct
- Be consistent with the Environmental Code set out in the Appendices

#### **6A.27.6.2.5 RESTRICTED DISCRETIONARY ACTIVITIES – NOTIFICATION**

Except as provided for by Section 94(5) of the Resource Management Act 1991, all Restricted Discretionary Activities will be considered without notification (pursuant to Section 94(1A) of the Resource Management Act 1991) or the need to obtain the written approval of affected persons.

#### **6A.27.7 DEFINITIONS**

The following definitions apply to Land Unit 27 and override any alternative definitions contained in Part 11 – Definitions. In all other cases the definitions of Part 11 apply.

<b>Residential Unit</b>	means a building, a room or group of rooms, used, designed or intended to be used exclusively by one or more persons as a single, independent or separate household.
<b>Bar / Tavern</b>	means any premises used or intended to be used in the course of business principally for the provision to the public of liquor and other refreshments; and which is licensed as such under the Sale of Liquor Act.
<b>Building Coverage</b>	means the same as lot coverage (contained in Part 11) but also excludes: <ul style="list-style-type: none"><li>• Open air and underground car parks</li><li>• Balconies and decks</li><li>• Paved areas</li><li>• Boardwalks</li></ul>
<b>Conference and Events facilities</b>	means facilities catering for conferences, functions, meetings, education forums and including events such as trade and cultural shows, exhibitions etc does not include residential accommodation.

**Commercial Facilities** means offices, showrooms, training premises, employment and business bureaus and centres (does not include retail activities).

**Gross Floor Area (GFA)** is the sum of the gross area of the several floors of all buildings on a site, measured from the exterior faces of the exterior walls, or from the centre lines of walls separating two buildings or, in the absence of walls, from the exterior edge of the floor. In particular, gross floor area includes:

- (a) Voids except as otherwise provided, where vertical distance between storey levels exceeds 6.0m, the gfa of the building or part of the building affected shall be taken as the volume of that airspace in cubic metres divided by 3.6.
- (b) Basement space except as specifically excluded by this definition;
- (c) Elevator shafts, stairwells and lobbies at each floor unless specifically excluded by this definition.
- (d) Interior roof space providing headroom of 2.0 metres or more whether or not a floor has been laid.
- (e) Floor spaces in interior balconies and mezzanines
- (f) Floor space in terraces (open or roofed), external balconies, breezeways, porches if more than 50% of the perimeter of these spaces is enclosed, except that a parapet not higher than 1.2m or a railing not less than 50% open and not higher than 1.4m shall not constitute an enclosure;
- (g) All other floor space not specifically excluded.

The gross floor area of a building shall not include:

- (a) Uncovered steps;
- (b) Interior roof space having less than 2.0m headroom except that: where an interior roof space of more than 2.0m but less than 4.0m headroom has been created as a result of a sloping roof form required to meet the Design Code and assessment criteria, this roof space shall not be included in the gfa calculation provided that this area shall not be used for any other purpose than for building services such as electrical ducting but does not include ablutions;
- (c) Floor space in terraces (open or roofed), external balconies or porches where not more than 50% of the perimeter of these spaces is enclosed and provided that a parapet not higher than 1.2m or a railing not less than 50% open and not higher than 1.4m, shall not constitute an enclosure;



- (d) Pedestrian circulation space;
- (e) Basement space for stairs, escalators and elevators essential to the operation of a through-site link, or servicing a floor primarily for carparking and/or loading;
- (f) Required off-street parking and/or loading spaces;
- (g) Carparking in basement space or underground parking areas (including manoeuvring areas, access aisles and access ramps)
- (h) Non-habitable floor space in rooftop structures;
- (i) Any entrance foyer/lobby or part of it including the void forming an integral part of it (being a primary means of access to a building), which is open to the public, is accessed directly from a public place and has an overhead clearance of not less than 6.0m.

**Utility Services**

essential infrastructure that is required to support the activities located in each of the precincts identified in the Precinct Plan and the wharf, including electricity transformers, pump stations, communication cables and structures, piping etc and includes any earthworks necessary for such activities

**Healthcare Services**

land and buildings:

- a) Used by one or more healthcare providers for the purpose of carrying out his/her professions; or
- b) Used as a medical laboratory or clinic; or
- c) Used as a veterinary clinic.

**Visitor Centre**

Retail and information services catering for visitors.

**Recreation Facilities**

Buildings providing for active and passive sports activities, playgrounds, gymnasiums and health centres.

**Structure Plantings**

Primary tree planting that provides a framework around roads, building development, car parking and public open spaces - including the use individual and/or grouped feature trees, massed trees or lines of trees. Such planting helps to provide structure, order and context for areas of development.

**Threshold Activities**

Residential units and all activities which operate as a commercial or business activity (includes visitor facilities and visitor centres but does not include carparking activities).

## APPENDICES TO LAND UNIT 27

### APPENDIX 1 - DESIGN CODE

The Design Code seeks to foster and manage the built environment in Land Unit 27 to protect the surrounding coastal character and landscape and to reflect the public values attached to Matiatia as the Gateway to Waiheke Island

#### OBJECTIVES AND ANTICIPATED OUTCOMES

- A high quality built environment, which reflects the landscape and coastal character of Matiatia Bay.
- A safe, pedestrian focused urban development.
- The development of public spaces, pedestrian linkages and connections within the land unit.
- A consistent design theme which reflects the maritime character of Waiheke Island and Matiatia in particular

#### 1.1 BUILDINGS- DESIGN, FORM AND MATERIALS

##### (i) Building Detail

- (a) The proportion of opening to wall in the facades of any building should generally not exceed 1/3 – 1/5. This proportion can only be exceeded if that façade is not clearly visible from any street or public space or if it is demonstrated that the opening proportions and detailing are in character with the existing buildings in the area and make a positive contribution to the aesthetic quality of the building.
- (b) The proportion of opening to wall in the upper level facades above shop fronts should not exceed 80 percent.
- (c) No single building façade shall be longer than 60m (see Facades)
- (d) Window openings should generally be vertical in proportion and in size
- (e) Large undivided panels of glazing should be avoided. Window openings and sashes should be subdivided with mullions or transoms and glazing bars in the proportions characteristic of the area.

##### (ii) Facades

- (a) Facades shall have a vertical profile or be broken into vertical segments
- (b) Facades should generally be broken up into 12m units.
- (c) Where appropriate buildings should have a verandah, an arcade or a plain façade, but preferably not a mix of the above.
- (d) Shopfronts to Open Space or Plazas will be no wider than around 12m. Each shopfront should include a publicly accessible door or other means of entry to the building.

- (e) All other buildings should express the width of the primary forms from which they are composed. This will recognise that the width range of typical frontages of individual premises is 8-12m. Any building with an overall width greater than 12m should be articulated in such a way as to present the appearance of a pair or group of independent buildings. The means of articulation, or separation of primary forms, will take into account the characteristic spacing of buildings (refer above).
- (iii) Materials, Finish and Texture
- (a) Materials shall be of a high quality and be generally compatible with the character of the Matiatia area.
  - (b) A consistent palette of materials shall be employed throughout Precincts 1, 2, 3 and 4
  - (c) Buildings should be faced with materials and finishes that are drawn from any existing palette and which harmonise with any existing buildings
  - (d) Party walls may be reinforced brick masonry or reinforced concrete masonry where no block work is visible. If it is exposed, concrete block work should be rendered
  - (e) Roofs may contain glazing or be fully glazed in the case of conservatories or greenhouse structures.
  - (f) Materials which preferably should not be used include brick veneer, any PVC wall cladding, any diagonally fixed weatherboarding other than to dormer windows, unpainted PVC rainwater systems and expanses of brightly coloured concrete paving.
  - (g) Other materials can be used where a significant local precedent exists. Other materials may also be used where the overall architectural quality of design of a building is such that the use of the other materials do not attract from the existing coherence of the surrounding landscape.
- (iv) Verandahs, Awnings and Arcades
- (a) Verandahs shall have a horizontal fascia and should be of a consistent height and shall have supports that form a rhythmic pattern along the verandah
  - (b) Flat or cantilevered canopies (except for canvas type awnings) are inappropriate when balconies or balustrades are provided above.
  - (c) Arcades shall be framed under the bulk of the main building or form part of a terrace with a mainly solid form.
  - (d) Each verandah should be of similar (but not exactly equal) height to adjacent verandahs and supported by poles. The thickness of supporting poles and the spacing between poles should be consistent with existing development. Poles should be divided into a base, middle and top.
  - (e) Flat or cantilever canopies (except for canvas type fabric awnings) are not acceptable.
- (v) Shop Front Entries
- (a) Each shop should be provided with an entrance directly off verandah or arcade edges.

- (b) Shopfront facades should generally be no greater than 12 m width maximum.
  - (c) Each shop front should be provided with an entrance directly off the street edge. This entrance may be recessed to provide a small entry porch.
  - (d) All residential units with street frontage should be provided with a separate entry in their street-facing façade. This main entry may be shared with other residential units and should be sheltered with a porch, verandah or other enclosure as characteristic of the area.
- (vi) Service Areas
- (a) All storage areas or service areas visible from any other building, road, pedestrian area or public open space shall be screened appropriately.
- (vii) Mass of Buildings
- (a) The massing of larger buildings must be articulated in such a way as to reflect an intricate, small scale of development in the area. Primary forms should be separated by offsets or vertical slots or setbacks of a width representing the characteristic separation between (immediately adjacent) buildings. Façade offsets will be a minimum of 300mm and setbacks of sufficient depth to give visual separation between units and primary forms.
- (vii) Roof Form and Detail
- (a) Acceptable roof forms may have a pitch tolerance of plus or minus 3°, which may be applied only if the resultant roof is consistent with the objectives for building form and detail design (see above).
  - (b) The pattern and intricacy of roofscape is to be maintained by using the roof forms and details that are characteristic of the area. Each primary or secondary form that is a component of any building will be expressed with a separate roof.
  - (c) Roof forms should be positioned relative to each other in a way which reflects both the unifying characteristics and the qualities of diversity and intricacy of the roofscape without introducing visual clutter.
  - (d) Where large-span steep (40-45°) gable roofs are used, it is desirable that the topmost floor is integrated into the roof with window forms and openings of a type and scale consistent with any local precedent for such elements.
- (viii) Building for Residential Use and Buildings adjoining Residential Uses
- (a) To ensure the admission of daylight to residential uses, all new buildings and alterations to existing buildings shall be located 6m from all existing windows in habitable rooms.
- (ix) Buildings abutting Public Open Space and the Natural Precincts
- (a) Buildings shall be designed to avoid significant overshadowing of public open spaces.

- (b) Where a building adjoins more than one area of public open space, the building shall be designed with reference to the features of each of these public spaces.
- (c) Where buildings adjoin the Natural Precincts they shall be designed to reflect and preserve the natural character of these precincts and to avoid dominance effects.

## **1.2 PUBLIC OPEN SPACE, PARKING & VEHICLE AND PEDESTRIAN CIRCULATION**

- (i) Carparking areas shall be designed with reference to the following requirements:

- (a) Be lit at night while avoiding adverse effects on the visual privacy of adjacent land use activities
- (b) Be well ventilated if enclosed or underground
- (c) Clearly define service vehicle, short stay, drop off and visitor parking
- (d) Be separated from residential or accommodation activities to minimise noise conflicts and to avoid pollution
- (e) Provide for efficient loading and unloading of service and delivery vehicles
- (f) Shall not dominate the streetscape or open landscape, particularly at the coastal edge
- (g) Be designed to Safer City standards with regard to avoiding crime
- (h) Facilitate internal circulation within car parking areas to maximise safe and efficient vehicle movements.

- (ii) Open Space

The management and use of public open space shall be in accordance with the following principles:

- (a) The defined areas of open space shown on the Precinct Plan are to generally remain free of permanent buildings, but limited intrusions may be consented to where the impact on the use and integrity of the open space is minor.
- (b) Where appropriate areas of public open space may be developed with public seating, covered spaces and other public amenities.

- (iii) Pedestrian Links

The design, construction and implementation of roads and pedestrian linkages shall be in accordance with the following principles:

- (a) Provisions shall be made for the use of bicycles within Precincts 1 & 2.
- (b) The joint pedestrian/road link between Precincts 1 & 2 should promote a pedestrian friendly environment as a key outcome.
- (c) The pedestrian links shown on the Precinct Plan are a minimum requirement. Additional linkages may be required through individual resource consents.
- (d) Pedestrian links are to be 6-10m wide depending on location (but may be less in Precinct 6).

- (e) Pedestrian links should be formed to maximise the connection between the wharf and Precincts 1 & 2.
- (f) Paved surfaces should be formed with materials to assist in achieving functional segregation of vehicles and pedestrians as well as 'calming' traffic.

## **APPENDIX 2 - ENVIRONMENTAL CODE**

### **Anticipated Outcomes**

The primary environmental issues facing this land unit relate to the management of stormwater and wastewater systems and the protection and enhancement of the natural ecological areas within the land unit. This Code is to be used to guide the design, assessment, construction and management of development within the land unit.

### **2.1 WATER SYSTEMS, STORMWATER AND FLOODING**

The following points should be considered in relation to the design and construction of development within Land Unit 27:

- (a) Development should be hydrologically neutral in regard to potential effects on water systems. Stormwater management systems shall comply with TP 10 requirements (ARC Technical Publication). Where the provisions of TP 10 are met any proposals shall be deemed to comply with the Land Unit 27 provisions.
- (b) The preferred options for stormwater management in Land Unit 27 include the following, but detailed design at the time of development proposals may favour other equally effective alternatives:
  - Constructing stormwater quality treatment ponds. The bottom of the ponds should be covered with a layer of densely compacted impermeable clay or similar material if it is demonstrated that seepage problems may occur.
  - Extensively planting the banks of any open channel with New Zealand native plants
  - Installation of weirs and pipes with energy dissipation mechanisms
  - Installation of biodegradable matt, Bio Mac (or similar material), on the open channel banks to facilitate and speed up their revegetation.
  - Use of sand filters to treat the runoff from car parks and paved areas prior to discharging it into any ponds.
  - Sand filters designed in accordance with TP10 may be used to achieve a stormwater sediment removal efficiency of 75%. Other acceptable solutions include 'Rain Gardens' and 'Infiltration Trenches'.

### **2.2 EARTHWORKS**

To ensure that all earthworks is undertaken in a manner which protects the surrounding natural environment, the following points apply in relation to earthworks activity

- (a) All earthworks shall be undertaken according to the requirements of TP 90 (ARC Publication)

- (a) Where appropriate a detailed geotechnical report shall be submitted prior to any earthworks activity commencing on the site
- (b) An earthworks and erosion/sediment control plan must be submitted as part of any development proposals
- (c) All earthworks related to the construction of stormwater ponding shall be constructed to engineering design standards and such work shall be supervised by a qualified engineer

### **2.3 DEVELOPMENT OF NATURAL PRECINCTS / ECOLOGICAL AREAS**

The development, use and management of the Natural Precincts shall consider the following issues:

- (a) A comprehensive stormwater management plan shall be prepared for Precinct 6 as part of any land use activities or development occurring within the Precinct.
- (b) Precinct 6 shall be developed in a manner consistent with the plan attached to this Code and the main outcomes that shall be achieved include;
  - The use of detention ponds to manage stormwater and reduce sedimentation of coastal waters
  - The use of part of the wetland as a secondary polishing medium for treated wastewater from the Owhaneke wastewater plant
  - The creation of pedestrian links and walkways from the wharf area to Oneroa
  - Enhancement of the natural character of the Precinct
  - The use of signage and interpretative material to foster stewardship of the Precinct
  - The use of eco-sourced plantings in the Precinct
  - Constructing an eco-path along the open channel in Precinct 6, to allow secure access to most of the native planting area and the pond for educational purpose.

### **2.4 LANDSCAPE DESIGN AND PLANTINGS**

As general guidance the following provisions apply:

- All structure plantings shall be predominantly eco-sourced indigenous species
- Use of a mix of soft/hard materials to reflect the maritime theme of Village and to achieve integration between buildings and open space
- Walkways to be provided for as an integral part of the development and management of Precinct 6-use of natural material and minimal works affecting natural areas and features
- All plantings shall be carried out to foster achievement of hydrologically neutral design and development outcomes
- All development shall also be in conformity with the Environmental Code
- Where possible existing indigenous vegetation is to be retained



Specific guidance for each of the precincts is as follows:

**(a) PRECINCT 1**

- Structure plantings implemented as part of first stages of development to set framework for more detailed landscaping. Separation from road corridor and sense of place to be defined-a maritime village concept to emerge.
- Specimen trees/plantings of non-indigenous species may be employed within the Precinct

**(B) PRECINCT 2**

- Structure plantings implemented as part of first stages of development to set framework for more detailed landscaping. Separation from road corridor and sense of place to be defined-a maritime village concept to emerge.
- Specimen trees/plantings of non-indigenous species may be employed within the Precinct

**(C) PRECINCT 3**

- Focus on endemic eco-sourced species and connectivity to natural areas in Precincts 6A and 6B. Creation of urban buffer between 'wetland' and more intensive development in Precincts 1 and 2.
- Detailed landscape plans required before any work commences.
- Clearly defined connection between the two parts of Precinct.
- Screening of buildings from public places including walkways and roads.
- Assists in creation of backdrop to Village when viewed from water and Esplanade Reserve areas.

**(D) PRECINCT 4**

- A proposed planting plan shall be prepared by the landowner and submitted in association with any building consent or resource consent whichever is the sooner. Such plan shall provide for physical screening of any vehicles and structures in the Precinct
- Structure planting shall be incorporated in the planting design for the Precinct to integrate development into the natural setting of the precinct and to define the use of the land as well as screening

**(E) PRECINCT 5**

- Minimal use of planting recognising the maritime focus of the 'esplanade margin' environment, but sculptural elements shall be fostered to reinforce the gateway functions and Maritime theme of the Village.
- Movable plantings to be used as functional barrier element to assist with traffic and people management at peak holiday times.

**(F)           PRECINCT 6**

- All plantings shall be endemic eco-sourced species. A proposed planting and natural environment enhancement management plan (consistent with the principles set out in Figure 10 and the Environmental Code herein) shall be prepared as part of any resource consent application. Such plan shall address the total area contained within the Precinct and shall align with the intent of the Royal Forest & Bird Protection Society Atawhai Whenua Reserve Management Plan, March 2001 (held at ACC offices). Precinct 6 shall provide for a public walkway connection between the esplanade reserve and Ocean View road at the eastern end of the Land Unit.
- All development shall also be in conformity with the Environmental Code

**CONSEQUENTIAL AMENDMENTS TO SUBDIVISION RULES- PART 8**

The provisions of Part 8 of the Plan are to be amended as set out in the annotated version of Part 8 attached.

**CONSEQUENTIAL AMENDMENTS TO LAND UNIT 25 PROVISIONS**

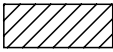
The provisions of Land Unit 25 of the Plan are to be amended as set out in the annotated version attached.


## **ATTACHMENTS**

1. Part 8 revisions.
2. Land Unit 25 revisions
3. Section 32 Assessment

# FINANCIAL CONTRIBUTIONS



 Area to be transferred to Council  
in accordance with Rule 6A.27.5.9

 Area to be Subject to Covenant

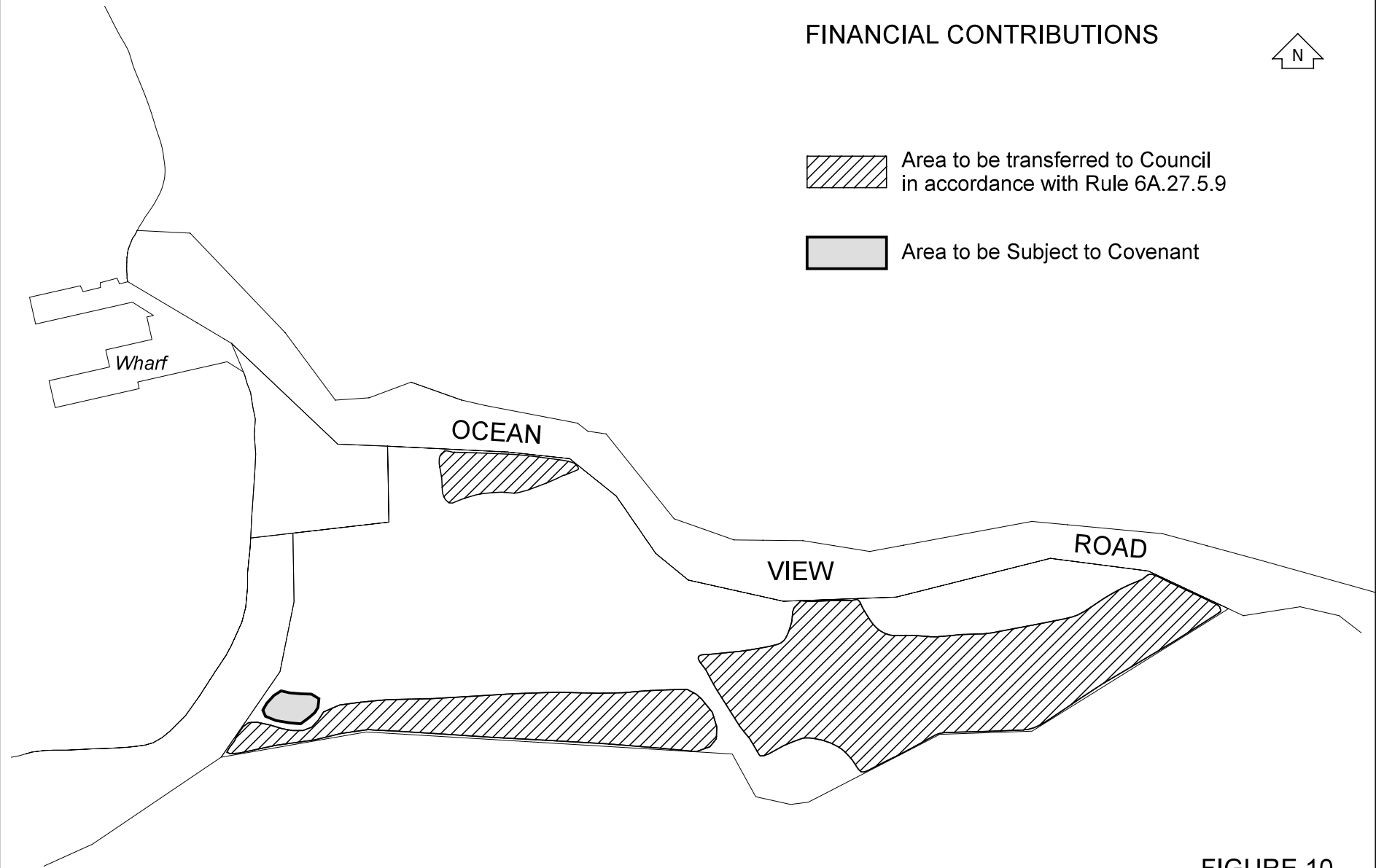
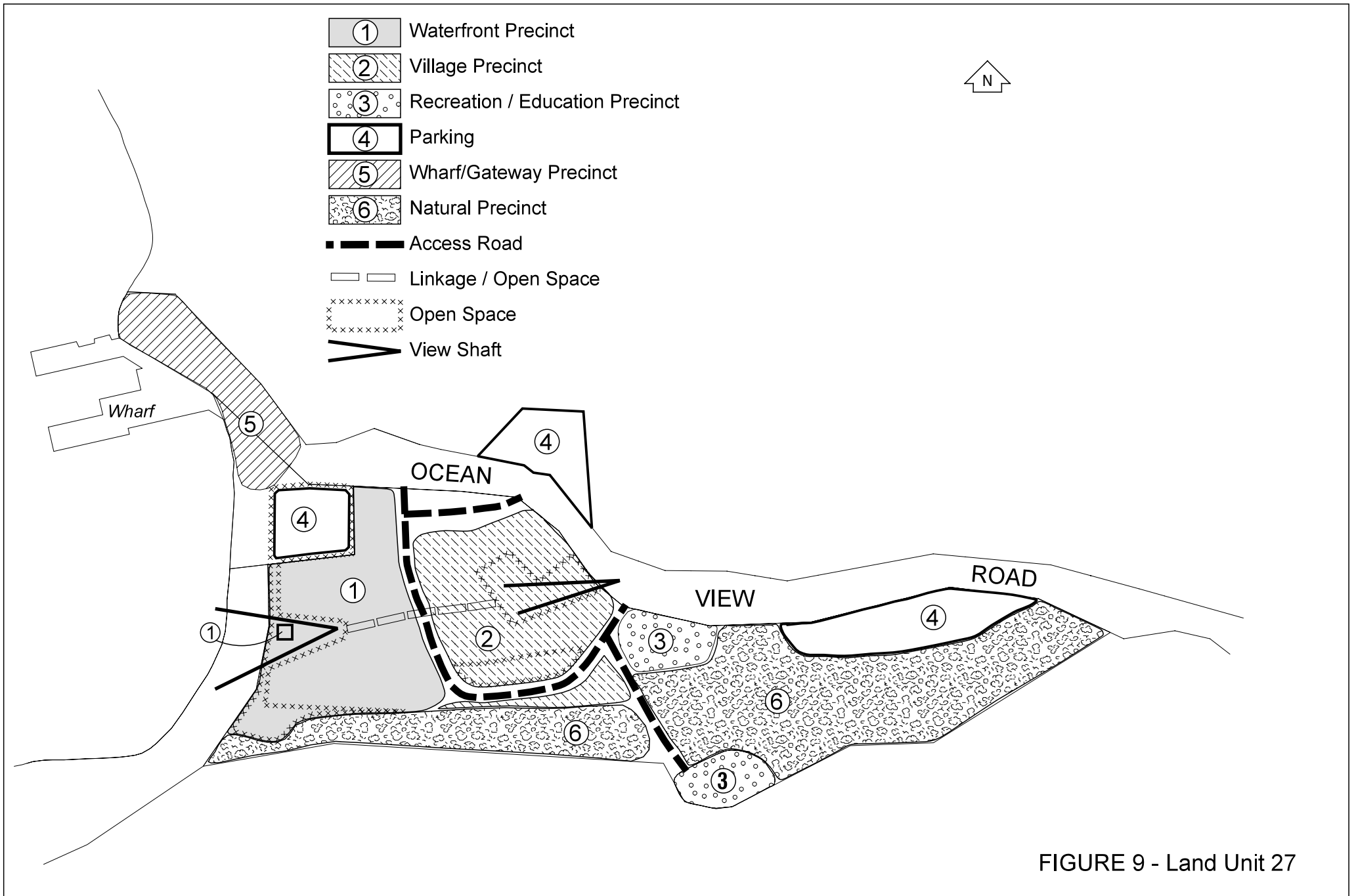


FIGURE 10



# PART 8

# SUBDIVISION

**AMENDMENTS ARISING FROM INTRODUCTION OF LAND UNIT 27**  
**HIGHLIGHTED**



**PART 8 - SUBDIVISION**

<b>CONTENTS .....</b>	<b>PAGE</b>
<b>8.0 INTRODUCTION.....</b>	<b>3</b>
<b>8.1 STRUCTURE.....</b>	<b>3</b>
<b>8.2 RESOURCE MANAGEMENT ISSUES.....</b>	<b>4</b>
<b>8.3 RESOURCE MANAGEMENT STRATEGY .....</b>	<b>4</b>
<b>8.4 OBJECTIVES AND POLICIES .....</b>	<b>5</b>
<b>8.5 SUBDIVISION RULES .....</b>	<b>6</b>
<b>8.5.0 EXPLANATION.....</b>	<b>6</b>
<b>8.5.1 GENERAL RULES.....</b>	<b>7</b>
<b>8.5.2 MINIMUM AREAS FOR LOTS .....</b>	<b>8</b>
<b>8.5.3 VARIATION TO MINIMUM         AREA REQUIREMENT FOR LOTS .....</b>	<b>8</b>
<b>8.5.4 SPECIAL SUBDIVISIONS.....</b>	<b>9</b>
<b>8.5.5 ESPLANADE AREAS.....</b>	<b>13</b>
<b>8.5.6 ROADING, ACCESS AND SERVICES .....</b>	<b>16</b>





## PART 8 - SUBDIVISION

### 8.0 INTRODUCTION

The nature of the physical and natural environment of the Hauraki Gulf Islands is such that it is appropriate for subdivision to be dealt with as a separate section within the Plan. There have been a variety of techniques employed in the management of subdivision and in particular subdivision of rural land in the past. The subdivision of rural land has often occurred without any relationship to the actual physical nature of the land concerned or its capacity to absorb development impacts.

The existing pattern of subdivision found in the Hauraki Gulf Islands confirms that there has been a tendency in the past to subdivide land down to lot sizes generally more appropriate to urban development on the Isthmus, rather than related to specific characteristics and the need to accommodate on-site effluent disposal systems. Historical subdivisional patterns on the Islands (and on Waiheke, Rakino and Great Barrier in particular), are therefore not altogether consistent with objectives of securing appropriate resource management, or consistent with securing a goal of achieving sustainable land use development. This Plan addresses those issues by specifically addressing the inherent capabilities and capacities of the different types of land found in the Hauraki Gulf Islands.

The Plan introduces controls to avoid and mitigate possible future adverse effects which inappropriate subdivision may generate. The relationship between subdivision and possible land use activities is recognised in the Plan by establishing a set of minimum area standards for allotments so that environmental capabilities of particular areas are not exceeded.

### 8.1 STRUCTURE

This section establishes the resource management issues of relevance to subdivision in the Hauraki Gulf Islands and identifies a resource management strategy and appropriate objectives and policies. This section also separates out rules so that they are explained and work in terms of specific land units. The subdivision rules are set out in terms of the following processes (or methods):

- rules for minimum lot sizes for land units
- variations to minimum area rules provide for flexibility in lot sizes where better land use will be facilitated.(not applicable to all land units)
- special subdivision rules relate to particular land units where special rules apply.
- general rules outline rules applying to all subdivision proposals.

All subdivisions require consent as controlled or discretionary activities pursuant to the provisions of the

Act and this Plan. The rules clearly identify the circumstances when a subdivision may be dealt with by way of a non-notified application. Flexibility is introduced by way of the discretionary activity application process so that in identified circumstances, minimum lot areas may be varied. Special subdivision rules provide the opportunity to apply standards specific to particular land units or where environmental protection measures justify a reduction in lot sizes.

All subdivision proposals must meet a set of general rules.

Strategic Management Areas (SMA's) provide the policy framework through which subdivisional opportunities are related to the Hauraki Gulf Islands resource management objectives. Through this policy framework, opportunities are provided for alternative approaches to subdivision, in order to better achieve the resource management strategy for any particular SMA and the Hauraki Gulf Islands overall. The plan employs techniques such as the use of covenants (and similar protective devices), consent conditions, esplanade reserve and reserve contributions and other financial contributions such as the provision of works and/or services to implement these policies.

The subdivision rules in this part of the Plan follow an extensive investigation of the existing subdivision patterns in the Hauraki Gulf Islands in conjunction with land capability survey and analysis. An analysis of past subdivision trends has also been carried out as has an evaluation of current land use patterns. Consideration in the Plan has also been given to future prospects and development pressures resulting from changed transportation and access opportunities in particular. It is also recognised that the Hauraki Gulf Islands constitute an area with significant heritage and conservation values.

In developing the rules for subdivision in the Hauraki Gulf Islands it is recognised that there has been significant speculative subdivision, as well as subdivision specifically related to proposed or existing activities. The subdivision rules recognise both motives for subdivision, but does so in a manner whereby the opportunities for subdivision are related directly to land use capability. The nature of the physical and natural environment creates the major constraints on subdivision and in particular, those aspects related to preservation and conservation of the natural environment, as well as those matters related to visual character, amenity, heritage values and drainage capability.

Possible impacts arising from subdivision within and associated with the coastal environment are recognised and the rules give particular emphasis to ensuring a proper assessment of such impacts, as part of the subdivision application evaluation process.



## 8.2 RESOURCE MANAGEMENT ISSUES

In order to establish appropriate subdivisional rules for the Gulf Islands a number of resource management issues have been identified which help identify constraints and opportunities.

These issues are:

- Recognising the inherent constraints of the natural environment, e.g. wetlands, bush, slope, natural hazards, amenity, drainage, access etc. and limiting subdivision accordingly.
- Identifying and understanding infrastructural constraints (effluent disposal in particular) and how land use activities and subdivision inter-relate with them.
- Recognising inherent landscape, amenity and heritage values and the need to facilitate the protection of them through subdivision rules.
- Recognising how the existing pattern of subdivision relates to future development and land use activity impacts.
- Understanding the effects of the cultural and strategic constraints imposed by existing settlement patterns.
- Recognising the nature and extent of existing roading and how it provides for future subdivision opportunities.
- Recognising that all land in the Hauraki Gulf Islands is contained within the coastal environment.
- Recognition within the subdivision rules of the potential development capacities of various SMAs and consequential density constraints, in order to achieve sustainable land use management.
- Identifying potentially productive land and ensuring that associated land use opportunities are preserved by an appropriate subdivision pattern.
- Recognising and maintaining the existing quality of life and lifestyle opportunities and needs associated with living in the Hauraki Gulf Islands, by providing for a diverse range of subdivision opportunities.
- Giving effect to the Treaty of Waitangi in general subdivision rules and strategies as well as those applying to specific areas of Maori land.
- The need for a logical and secure land tenure framework.

## 8.3 RESOURCE MANAGEMENT STRATEGY

In recognition of the fact that subdivision is an activity in itself as well as providing the basis through which land use activities can be established, this part of the Plan outlines a resource management strategy specific to subdivision of land in the Hauraki Gulf Islands.

An underlying principle of this resource management strategy is recognition of the need to preserve the natural character, heritage and amenity values of the

Hauraki Gulf Islands. This principle is founded upon the intrinsic value placed on the Hauraki Gulf Islands by the City, region and nation.

On Waiheke Island, the resource management strategy for subdivision is to facilitate the maintenance and preservation of the village structure in order to protect amenity and environmental values. A clear distinction is made between subdivision opportunities within the Western Waiheke SMA and the Eastern Waiheke SMA. Rural subdivision is limited to opportunities based on land use capabilities within individual land units. In non-rural land units, subdivision opportunities are more closely tied to preserving and enhancing existing amenity and environmental values. On Great Barrier Island the strategy is to achieve a pattern of subdivision based upon land use capability constraints and opportunities.

The extent and location of existing development is also recognised.

For the Hauraki Gulf Islands overall, the strategic management area provides the policy direction for decision-making in terms of resource management and the securing of sustainable development. In recognition of the limitations which the existing subdivision pattern in the Gulf Islands creates, the subdivision rules are structured towards facilitating appropriate re-subdivision of existing lots, where better land use opportunities and more appropriate resource use and management will eventuate. For the purposes of resource management, and subdivision in particular, all land within the Gulf Islands is considered to be contained within the coastal environment.

Subdivision opportunities are structured so that they are consistent with regional policy. In particular, on Waiheke Island, the policy of containing urban development to the Western Waiheke SMA between Matiatia in the west and Onetangi in the east will be continued as a means to secure the resource management strategies for the Hauraki Gulf Islands.

The resource management strategy for subdivision recognises that effluent disposal is primarily based on small scale systems. Subdivision rules are therefore specifically related to the carrying capacity of particular SMA's, Policy Areas and land units. In certain circumstances, as identified in the subdivisional rules, opportunities for flexibility are provided for, where redistribution of land use activities is likely to be achieved and overall strategic management objectives secured. In that regard, overall density capacities for SMA's are identified in the Plan by way of minimum area rules, where appropriate. In support of that approach, provision is made for particular incentives for alternative development options, in order to encourage better land use and sustainable development.

In order to facilitate the quality of life and the diverse lifestyle options considered characteristic of the Hauraki Gulf Islands, subdivisional rules are provided that allow the opportunity to pursue a range of alternative approaches to land use and development opportunities



## Part 8 - Subdivision

and activities, where these are consistent with the SMA and land unit objectives, policies and rules.

In addition to the previous components of the strategy, the subdivisional rules for the Hauraki Gulf Islands provide for a variety of opportunities for special subdivision where protection of the physical and natural environment is achieved. Opportunities are also provided for whereby better use of land in a land unit and SMA may eventuate. The provision for multiple dwellings on appropriately sized parcels of land is an example of that option.

The resource management strategy recognises the need to adopt a comprehensive approach to the subdivision of land. Such an approach recognises the need to assess the wider picture when considering specific proposals tied to single lots.

In order to achieve the above resource management strategy for subdivision, rules are contained within the Plan that clearly identify minimum areas for subdivision in relation to particular land units. These minimum areas are based on an evaluation of land use capacities, as well as consideration of visual character, heritage and amenity values. Other opportunities for subdivision are dependent upon giving effect to the need to protect, conserve and enhance various identified aspects of the natural environment, such as wetlands, heritage features, ecosystems and habitats, water and soil conservation values, productive land use opportunities and similar elements which in total constitute the physical and natural environment of the Hauraki Gulf Islands.

### 8.4 OBJECTIVES AND POLICIES

#### 8.4.1 OBJECTIVE

*To ensure that subdivision patterns preserve opportunities for productive use of higher quality land in the Gulf Islands.*

##### Policies

- A. By using a variety of protective instruments and incentives to maintain the potential use of higher quality land.
- B. By relating minimum areas for lots in particular land units to the physical and natural character and use potential of each land unit.
- C. By including in the Plan, subdivision rules which provide for variations to the minimum areas for lots in different land units in order to achieve a flexible approach to subdivision that facilitates better land use and development potential based on land use capability.
- D. By limiting the scale and location of buildings on higher quality land.

#### 8.4.2 OBJECTIVE

*To provide for and foster subdivision which leads to the protection of areas of high environmental value, of high landscape, heritage and amenity value, and for areas where natural hazards exist.*

##### Policies

- A. By including in the subdivision rules requirements which ensure subdivisions in the coastal environment do not lead to a proliferation of buildings that detract from the visual amenity values of the coastal environment.
- B. By recognising the significance of the Hauraki Gulf Islands coastal environment in the subdivision rules so that protection and enhancement is fostered.
- C. By establishing subdivision rules providing for the creation of lots which protect the natural environment including bush, wetlands, headlands, heritage features, significant ridges, and hazard areas.
- D. By limiting subdivision so that the natural characteristics of headlands, dunes and wetlands are less likely to be detrimentally affected through inappropriate land use activities.

#### 8.4.3 OBJECTIVE

*To recognise the diverse lifestyles, cultures and quality of life associated with the Hauraki Gulf Islands in the subdivision rules by providing for flexible options based on the land use capabilities of land units and SMA's.*

##### Policies

- A. By specifically recognising the absence of infrastructure such as reticulated sewage disposal systems in the subdivision rules and allowing the use of alternative solutions and/or technologies.
- B. By providing opportunities for the re-subdivision of existing lots in order to facilitate diverse and more appropriate land use.
- C. By including subdivision rules which ensure that rural character and amenity values are protected and enhanced in parallel with providing for appropriate land use activities.
- D. By providing flexibility in the subdivisional rules for minimum areas so that a diversity of lifestyle and cultures can be provided for within the Hauraki Gulf Islands.



## Part 8 - Subdivision

- E. By providing opportunities to create lots that protect the natural environment, in tandem with widening and diversifying opportunities for land use activities.
- F. By recognising the provisions of the Treaty of Waitangi in the subdivision rules.

### 8.4.4 OBJECTIVE

*To integrate subdivisional rules with land use activity rules where appropriate, in order to achieve a more integrated approach to land use and development.*

#### Policies

- A. By ensuring, ~~except in special cases in relevant land units~~, that each lot created contains within it an ~~area which~~ area that provides for a dwelling as a permitted activity.
- B. By requiring that where a subdivision application is received, in association with any other application for a resource consent, that all applications are considered together in order to achieve integrated and sustainable land management.
- C. By establishing subdivision rules, which create special opportunities for subdivision where land use activities, can be identified and retained.

## 8.5 SUBDIVISION - RULES

### 8.5.0 EXPLANATION

Subdivision is managed by this Plan through several methods that relate to lot size and purpose of subdivision. The main rules relate to standards for the creation of lots as controlled or discretionary activities. This includes subdivisions by way of any lease for greater than twenty years, cross lease, company lease, or unit title.

#### A. Restricted Controlled Activity rules include:

(a) Provision in Land Unit 27 for individual car parks (spaces), individual parking buildings, existing individual building(s), separate retail tenancies, separate non-retail tenancies, residential units, visitor facility/ accommodation units, common service areas and common facilities and access areas within any individual building.

#### B. Discretionary Activity Rules include:

- (a) Provision for minimum lot sizes for most land units. If these sizes are provided for in a proposed subdivision, and other general rules and criteria

regarding access, environmental factors, infrastructure and so on are met, a subdivision may be consented to (subject to whether or not there are any major problems such as hazard prone land, e.g. landslip, in which case a refusal may be necessary).

In such cases proposals will be dealt with as a non-notified application pursuant to Section 94 (1A) unless the Council, having regard to all likely effects determines in terms of Section 94 of the Act, that the proposal may have more than minor effects and therefore should be notified (in accordance with the provisions of Section 93 of the Act).

- (b) Provision for applications to be lodged seeking variations to the minimum areas required for as in (a) above. These rules apply to some, but not all, land units and specific criteria have to be met in addition to general criteria relating to the assessment of any subdivision. This approach seeks to give an opportunity to create subdivision patterns where reductions in lot size are justified and offset by improvements in lot usability and where greater recognition of environmental characteristics results in potentially more sustainable land management.
- (c) Provision for greater flexibility in lot sizes by including rules allowing "special" subdivisions. Special subdivisions provide for lots where bush, wetlands or other natural features which make a significant contribution to the quality of the natural environment are protected. The rules also provide for the re-subdivision of existing lots, subdivision of special purpose lots (for reserves, utilities, accessways, etc) and also rules specific to particular Land Units and Policy Areas where area specific subdivision techniques are necessary to ensure sustainable management of the natural and physical environment.
- (d) Rules relating to esplanade reserves are included.

### 8.5.1 GENERAL RULES

#### 8.5.1.1 All Applications

- A. All subdivisions require consent as either a controlled or discretionary activity.
- B. Any subdivision in Land Units 1-25 to create lots which conform to the minimum area standards in Rule 8.5.2, and the financial consideration requirements in Part 9, will be considered as a non-notified discretionary activity pursuant to Section 94 (1A) of the Act unless, pursuant to Section 94 of the Act, the Council determines that there may be more than minor effects arising from the proposal and that it should be notified pursuant to Section 93 of the Act.

In all other cases, applications will be assessed according to the requirements of the Act as to whether they need to be notified.



## Part 8 - Subdivision

### 8.5.1.2 Provision For Dwellings

All proposed lots must contain an identified area of land capable of providing for a dwelling as a permitted activity except in:

Land Units, 13, 14, 15, 17, 18, 19, 23, 25, ~~27~~

Special subdivision provisions in Rule 8.5.4 apply to those land units.

### 8.5.1.3 Change Of Conditions

Any application for a change or cancellation of conditions of consent made pursuant to Section 127(1)(a) of the Act may be made to Council in writing prior to deposit of the relevant survey plan.

Any objection to the Council's decision on such an application under Section 127 must be made in accordance with Section 357(2) of the Act within 15 working days of the decision.

### 8.5.1.4 Review Of Consent Conditions

The Council may impose a condition of consent on any subdivision providing for review of the conditions of consent for the purposes laid down in Section 128(a) (i) and (iii) of the Act. The Council may, in accordance with the circumstances and procedures outlined in Sections 128 and 129 of the Act, review the conditions of a resource consent at any time up until the survey plan has been deposited with the District Land Registrar or Registrar of Deeds in accordance with Part X of the Act.

### 8.5.1.5 Assessment Criteria

All applications for subdivision will be assessed in terms of the criteria and standards listed in Part 6E [and 6F as relevant] of this Plan and Rules 8.5.2 to 8.5.6 herein as well as those matters contained in Section 104 of the Act.

### 8.5.1.6 Interpretation Of Rules Where Different Land Units Are Found In Any One Lot

Where any proposed lot includes more than one land unit the subdivision rules which apply to that lot shall be those for the land unit which comprises the greatest part of the proposed lot.

### 8.5.1.7 Roading And Infrastructure

The standards for roading and other infrastructure for any subdivision shall generally be as specified in Rule 8.5.6 of the Plan or as otherwise required by the Council in accordance with recognised engineering practice having regard to the particular characteristics of the Hauraki Gulf Islands.

### 8.5.1.8 Staged Development

Where a subdivision is likely to be carried out in stages, the developer must specify this to the Council at the time of the application for subdivision consent and signify the time period over which the development is

likely to take place. Each stage will only be approved when the Council is satisfied that the conditions that apply to that particular stage have been met, as well as any other conditions of the subdivision consent which are required to be given effect to at that time.

### 8.5.1.9 Non-Complying Activities

Any subdivision proposal which contravenes the rules of this Plan and is not a prohibited activity is a non-complying activity.

All subdivision in Land Unit 16 is a non-complying activity.

### 8.5.1.10 Information Requirements

Information supplied with an application shall be in accordance with the requirements outlined in Part 6D of the Plan and must be sufficient to allow a comprehensive appraisal in terms of the requirements of the Act.

### 8.5.1.11 Notification

The matter of whether a resource consent application will be notified will be determined in accordance with the provisions of Sections 93, 94, 95 of the Act except where any particular rules specifically provide for non-notification pursuant to Section 94 (1)(b) or Section 94.1.A of the Act (See 8.5.1.1.B).

### 8.5.1.12 Consideration of Applications

Where consent is sought for subdivision as well as for a land use consent the Council will consider the applications together unless it is clearly not necessary to do so in terms of achieving integrated resource management outcomes. The Council will also pursue an integrated approach to applications where consents from other agencies, such as the Auckland Regional Council, are required.

NOTE: TABLES 4, 5, 6, 7 AND 8 INDICATE WHICH RULES APPLY TO PARTICULAR LAND UNITS.

## 8.5.2 MINIMUM AREAS FOR LOTS

- A. Any proposed lot must comply with the minimum area standards specified in Table 4 (Land Units) OR Table 7 (Policy Areas) unless otherwise authorised under this provided for in the Plan.
- B. Where any proposed lot includes more than one land unit the requirements of Rule 8.5.1.6 (General Rules) must be used to determine which standards apply to the proposal.
- C. As there is no minimum lot area provided for in Land Unit 16 all subdivision proposals are non-complying activities.
- D. For Land Units 13 to 15, 17 to 19 and 21 to 25 refer to the rules in 8.5.4 and Table 5.
- E. Where part of any lot falls into a Policy Area, that part of the lot not in the Policy Area may be subdivided out as one lot even if it does not comply



## Part 8 - Subdivision

with the minimum area rules for the relevant land unit subject to all the other rules for subdivision being met.

### 8.5.3 VARIATION TO MINIMUM AREA REQUIREMENTS FOR LOTS

#### 8.5.3.1 General Rules

For Land Units 1 to 12 and 20 only, an application may be made to create lots having an area less than the minimum area specified in Table 4 but only to the extent specified in Table 5 and only where the criteria specified in the particular rules outlined below are met.

#### 8.5.3.2 Particular Rules

A. An application made in terms of Rule 8.5.3.1 to vary lot size may only be made under the following circumstances:

(a) in accordance with the provisions of Rule 8.5.3.2.B(b) for Land Units 11 or 12 only

or

(b) in accordance with the provisions of Rule 8.5.3.2.B(a) for Land Units 1 to 10 and 20 only.

No land to be vested or held as reserve shall be regarded as a lot for the purposes of this rule.

B. The following standards shall apply to any application made to reduce the minimum area of lots within the following land units:

(a) Land Units 1-10, 20.

(i) The proposed pattern and size of lots is more likely to lead to effective use of any productive or potentially productive land.

and

(ii) The proposed pattern and size of lots secures the sustainable management and protection of any hazard prone or sensitive areas through appropriate protective measures.

and

(iii) Each lot must provide an area where a dwelling can be erected as a permitted activity in terms of the Rules and standards in Part 6B for the relevant land unit.

and

(iv) The reduction in lot size must be justified by achieving enhanced environmental outcomes compared to those likely under the minimum area rule options (Rule 8.5.2.) and will be assessed against the following criteria;

- the location of buildings and the access to them must reduce visual impacts

and

- the management of natural water systems and wetlands must be improved as a consequence of the subdivision pattern and lot size reduction(s)

and

- there is a reduced need to remove vegetation and carry out earthworks as a result of the altered subdivision patterns.

and

(v) The reduction in lot sizes will not lead to cumulative impacts within the SMA such that environmental, community and visual amenity values are detrimentally affected.

(b) Land Units 11 and 12

(i) Each lot must provide for an area where a dwelling can be erected as a permitted activity in terms of the Rules and standards in Part 6B for the land unit.

The application must demonstrate that each proposed lot has particular drainage characteristics, such that it can accommodate an on-site effluent disposal system based on discharge to the ground which conforms with the Council bylaws and Regional rules.

(ii) For the purposes of clause (i) above the application must demonstrate that the drainage capability of any proposed lot is such that a dwelling constructed to the permitted maximum gross dwelling area in terms of Rule 6B.1.1.1 can be serviced. Where a consent is also needed from the Auckland Regional Council it must be obtained either prior to or in conjunction with an application under these rules.

(iii) Any reduction in lot sizes must not lead to any reduction in amenity or environmental values of the area through cumulative impacts such as loss of either drainage capability or visual amenity values.

### 8.5.4 SPECIAL SUBDIVISIONS

*For summary see Table 6.*

#### 8.5.4.1 Explanation

The following rules provide subdivision opportunities to create lots under the following special circumstances but only for the specified land units. The main opportunities include;

a) facilitating the protection of significant environmental features (in Land Units 1, 2, 4, 5, 6, 7, 8, 9 and 10). Specific reductions in lot size are provided for where significant environmental features (see definitions Part 11) are protected by



## Part 8 - Subdivision

appropriate legal mechanisms eg; covenants. (see Table 6).

- b) providing for subdivision specific to the particular Land Units (Land Units 13,14, 15, 17,18, 19, 21, 22 and 23). A number of land units in the Inner Islands have special sets of rules which reflect historical development patterns as well as area specific resource management needs.
- c) Re-subdivision of existing lots in all land units. This provides the ability to alter the disposition of lots so that useability is improved.
- d) Subdivision for special purpose lots such as reserves, waahi tapu, cultural heritage sites and public utilities. These rules allow the creation of special lots without specified minimum lot areas in order to provide for unusual subdivision needs where there is unlikely to be any conflict with the intent of the District Plan.
- e) Smaller lot subdivision within Policy Areas 1-4 in the Outer Islands. These special rules allow lots to be created which are less than those required if the minimum areas for the relevant land unit were met. These rules enable the creation of lots in size ranges which will strengthen the development opportunities around existing settlements on Great Barrier Island. (See Table 7).

~~f) ~~f)~~ —~~Enabling subdivision to create two lots where one of those lots does not meet the minimum area rules of Table 4. This opportunity is limited to Land Units 1 to 10 only. There is a minimum area requirement for the non-conforming lot of 4.0 h.a. and that lot must contain significant environmental, archaeological or historic features which are protected in perpetuity as a consequence of the subdivision. (See Rule 8.5.4.10).

g) Particular subdivisions rules for Land Unit 27 as set out in the land unit provisions.

### A. PARTICULAR RULES

#### 8.5.4.2 Protection of Significant Environmental Feature(s)

- A. Within Land Units 1-10 and 20 only, the Council may consent to the subdivision of land to create lots which will protect any significant environmental feature or features (see Part 11 -Definitions) from development and adverse effects of land use activities.
- B. Consent shall only be granted where a dwelling can be erected on any proposed lot without detracting from the feature to be protected subject to the following conditions:
  - (a) The subdivision proposal must achieve the protection in perpetuity of all of the significant environmental feature(s) contained within the site to which the application relates; and
  - (b) Sufficient area of existing clear land outside of any significant environmental feature, providing

for a dwelling which can meet the standards for a permitted activity, shall be identified and available on any proposed lot. Accompanying information shall prove that there is no potential for disturbance to the protected feature from such a dwelling, or its associated effluent disposal system or ancillary buildings or any other activity; and

- (c) The size of lots which may be created shall be no less than the areas specified in Table 8.
- (d) Natural topographical and drainage and other environmental features shall determine lot boundaries where practicable; and.
- (e) A consent notice in accordance with the provisions of the Act shall be issued specifying any significant environmental features which are to be protected in perpetuity. Such a notice shall specify the means by which the feature or features are to be protected from the effects of any land use activity.

#### 8.5.4.3 Land Units 13, 14,15.

Subdivision to create lots in Land Units 13, 14 and 15 shall be permitted only in the following circumstances:

- A. Where a comprehensive subdivision plan for all of the site subject of the application is submitted, and
- B. Where each lot provides sufficient area for buildings to be erected as permitted activities; and
- C. Where access to each lot is designed to avoid or mitigate traffic and associated noise impacts upon surrounding residential uses, and
- D. No lot shall have a net area of less than 1500m<sup>2</sup>. Where any particular characteristics limit use of any lot because of drainage, access, need for earthworks or otherwise, an area of more than 1500m<sup>2</sup> may be required as a condition of consent.

#### 8.5.4.4 Land Units 17, 18, 19, 23.

Subdivision to create lots in Land Units 17, 18 19 and 23 shall be permitted only where the lots created are in accordance with the provisions of any operative or notified Conservation Management Strategy or reserve management plan pursuant to the Reserves Act 1977 or the Conservation Act 1987.

#### 8.5.4.5 Land Unit 21

Any subdivisions in Land Unit 21 shall comply with the following:

- A. The median size of the total number of lots proposed shall be not less than 3ha, and
- B. A maximum of 10% of the total number of lots to be created shall be permitted to be between 1.0 and 1.5 ha in area, and
- C. The minimum size for any lot shall be 1 (one) hectare, and
- D. The maximum number of lots permitted in Land Unit 21 shall be 35, provided that this will be increased up to a maximum of 55 lots at a ratio of 1



## Part 8 - Subdivision

additional lot per 2 ha of open space where such open space:

- (a) Is vested in Council as a reserve providing access between any road and esplanade reserves; and/or
- (b) Protects and preserves in perpetuity significant landscape features or areas of native bush or shrubland or sites of ecological significance or habitats by means of suitable protective instruments such as encumbrances, covenants or consent notices provided that:
  - (i) Such land is over and above that required for esplanade reserves, local purpose (access) reserves, roads and land set aside for public utilities;
  - (ii) Is appropriate for accessways for protection of the landscape features or areas of native bush or shrubland sites of ecological significance or habitats; and
  - (iii) An appropriate protective instrument is prepared by the City Solicitors at the expense of the applicant; and
  - (iv) The objectives and policies for the land unit and the strategic management area are given effect to.

### 8.5.4.6 Land Unit 22

Application for a subdivision in Land Unit 22 shall only be considered in the following circumstances:

#### A. Minimum Area

Where the minimum area of 25 ha as specified in Table 4 is provided for,  
or

#### B. Comprehensive Rural Development

Where a discretionary application for subdivision is sought in conjunction with a discretionary application for a Comprehensive Rural Development under Rule 6.22.4.3.B(c) and complies with the following standards:

- (a) The subdivision shall provide for lots at a ratio of one lot per 5 ha of gross land area of the site subject to a Comprehensive Rural Development application unless increased in terms of rule 8.5.4.6.C, and
- (b) No lot created shall have a minimum area of less than 1.5 hectare, other than those lots created for the purpose of reserves, or public accessways, and
- (c) For any such subdivision the following standards shall be met:
  - (i) Each new boundary shall be located, taking into account the topography, ability to be fenced, efficient management of each lot and compliance with any yard requirements, and
  - (ii) Each lot shall be designed to take account of stormwater management and the need

- (iii) for protection of land from erosion subsidence, slippage and inundation, and Each lot shall be provided with a formed all-weather legal access to a formed road, and
- (iv) Each lot must contain an adequate building platform and access thereto suitable for a dwelling meeting the rules for permitted or controlled activities, and
- (v) Each lot shall be provided with adequate electric power and telephone services, and
- (vi) Each lot shall be capable of adequately providing for disposal of stormwater and sewage, and
- (vii) Unless impractical, all reticulated services shall be placed underground and with minimal disturbance to the vegetation or landforms, and
- (viii) The size and shape of lots shall maximise the use or potential use of productive land for farming purposes, and
- (ix) The requirement for effluent disposal to be contained within the lot may be varied where alternative means of effluent disposal are consented to as part of a parallel application for a comprehensive rural development.

#### C. Bonus Density Provisions For Land Unit 22

Application may be made for a subdivision which provides for lots at a density greater than that specified in terms of Rule 8.5.4.6.B(a) up to a maximum density of 1 lot per 3.5 ha of gross land area of the site. For each additional lot which increases the lot ratio below that provided for in Rule 8.5.4.6.B(a) an additional 2 hectares of public open space, reserve, protected area or protected significant natural feature shall be provided. Any application shall be considered in terms of the following criteria:

- (a) Whether the proposed subdivision is likely to minimise the impact of buildings in the rural landscape. In that regard discretely located clusters rather than a widely dispersed pattern of buildings is considered more likely to meet this criteria, and
- (b) Whether or not the subdivision is likely to lead to buildings being located in a manner which will detract from the character of the coastal landscape or coastal environment, and
- (c) Whether the proposed subdivision facilitates the protection of soils of high actual or potential productivity or whether it is likely to lead to cumulative impacts, permanently or significantly affecting such high actual or potential productivity, and
- (d) The extent of protection proposed as part of the subdivision application and the nature and extent of the protective legal instruments, and





## Part 8 - Subdivision

- (e) Whether the proposal is consistent with the objectives and policies of the Western Waiheke SMA resource management strategy.

### 8.5.4.7 Special Purpose Lots

- A. Notwithstanding anything else in this part of the Plan, a lot, appropriate for a special purpose as specified below may be approved by the Council. No minimum area is specified but all such lots shall be no greater than is necessary for the particular purpose. Where a special purpose lot is no longer required or used for the purpose for which it was subdivided, the land shall be re-amalgamated with the land from which it was originally subdivided. To ensure this, a condition to that end will be attached to all consents given under this rule to subdivide a lot for any of the following purposes:
- (a) To be owned in common for access or similar other special purposes
  - (b) A public utility
  - (c) A public work
  - (d) An access denial strip
  - (e) Access from one public place to another public place
  - (f) Waahi tapu land
  - (g) Heritage sites
  - (h) Reserves or land similarly protected in perpetuity.
  - (i) Leases for complying or approved activities established pursuant to the Reserves Act 1977 or the Conservation Act 1987.
  - (j) A utility or work of an approved network utility operator.

### 8.5.4.8 Re-Subdivision of Existing Lots

The Council may consent to the re-subdivision of existing lots provided that the following standards are met;

- A. The proposed subdivision shall not create any additional lots (excluding any reserves), and
- B The proposed subdivision shall not create any lots which are smaller than those the subject of the application unless;
  - (a) each lot provides sufficient area for a dwelling meeting the standards for permitted activities and;
  - (b) where there are any significant environmental features they are protected through covenants or similar means as a consequence of the subdivision, and
  - (c) appropriate access is available to each lot, and
  - (d) The criteria outlined in Rule 8.5.3.2.B(b) are able to be met where the proposed lots are in Land Units 11 or 12.

### 8.5.4.9 Subdivision rules For Policy Areas 1-4 Only

#### A. GENERAL RULE

The Council may consent to a subdivision in Policy Areas 1-4 only (Outer Islands) and will assess any proposal in accordance with the following criteria as well as those contained in Part 6E of this Plan. The general rules outlined in Rule 8.5.1. must also be complied with.

TABLE 7 specifies the relevant standards for lot sizes in Policy Areas which must be met.

RULE 8.5.2.E outlines the subdivision rules for land units where a Policy Area includes only part of a lot.

#### B. PARTICULAR RULES

##### 1. Assessment Criteria

- (a) For subdivisions meeting the Minimum and Average Areas in Table 7:

- (i) The arrangement and size of lots proposed shall be such that the objectives and policies for the Strategic Management Area, Land Unit(s) and Policy Area can be met by taking into account the relationship of development to the landscape and landforms, visual amenity and environmental quality and values.

- (b) For subdivisions seeking to reduce the Minimum Lot Size Areas as provided for in Table 7:

Specific provision is made in Table 7 for a reduction of the minimum lot sizes in Policy Areas (as shown in Table 7) to enable alternative approaches to residential development where the following standards are met:

- (i) the criterion in (a) (i) above for subdivision is met; and
- (ii) covenants or similar measures are used to facilitate revegetation and protect any significant environmental, historic or archaeological features; and
- (iii) the proposed lot pattern by using techniques such as cluster development, maximises use of natural landforms and has an emphasis on retaining bush areas and/or open space areas and/or in the case of Claris, preserving noise buffers; and
- (iv) roading and access impacts, vegetation removal and earthworks are minimised; and
- (v) the overall visual amenity of the area is maintained or enhanced; and
- (vi) sustainable opportunities are created for diverse land use activities by providing for smaller lots; and
- (vii) any financial contribution shall maximise opportunities to maintain and enhance the environmental, social, cultural and amenity values of the area.
- (viii) in the case of the Claris Policy Area, the lot size reduction is to be achieved by the use of a comprehensive effluent treatment and disposal system which will adequately serve the development capacity of Area C identified as "Community Area" and/or



## Part 8 - Subdivision

Area D identified as "Airport Related Commercial Area" as shown on Policy Map 3.

### 8.5.4.10 Two Lot Subdivision With One Special Protection Lot

- A. Within Land Units 1 to 10 only, the Council may consent to a subdivision creating only two lots (excluding reserves) where only one of the lots is complying in terms of the minimum area rules in Table 4, but only in the following circumstances;
- Where one lot is a complying lot in terms of the minimum area rules (Table 4) for the Land Unit which it comprises.
  - Where the non-conforming lot contains significant environmental (see Definitions-Part 11), archaeological or historic features which will be protected in perpetuity by suitable legal instruments.
  - Where the non-conforming lot has a minimum area of 4.0 h.a.
  - Where sufficient area of existing clear land outside of any significant environmental, archaeological or historic feature, providing for a dwelling which can meet the standards for a permitted activity, is identified and available on the non-conforming lot. Accompanying information shall prove that there is no potential for disturbance to the protected feature from such a dwelling, or its associated effluent disposal system or ancillary buildings or any other activity.

### 8.5.4.11 Subdivision In Land Units 24 And 25

In Land Units 24 and 25:

- The subdivision of buildings existing at the date of the Plan becoming operative, and
  - The subdivision of land
- will be a discretionary activity and will be assessed accordingly.

Any other subdivision is a non-complying activity and will be assessed accordingly.

### 8.5.4.12 Subdivision In Land Unit 27

The subdivision rules for Land Unit 27 are set out in the provisions for Land Unit 27 in Part 6A.

NOTE ALL CURRENT PLAN PROVISIONS IN RESPECT OF ESPLANADE AREAS, ROADING, ACCESS AND SERVICE REMAIN UNALTERED.



**Part 8 - Subdivision**

**TABLE 4 - MINIMUM AREA FOR LOTS [in ha] - SEE RULE 8.5.2**

Land Unit	1, 2	3	4	5	6, 7, 8, 9, 10	11, 12	13, 14, 15	16	17, 18, 19, 23	20	21	22	24, 25	<a href="#">27</a>
Minimum Area	25	3.5	15	15	25	0.2	0.15 See Rule 8.5.4.3	Non- Complying (NC)	N.P See Rule 8.5.4.4	3.5	N.P See Rule 8.5.4.5	25 See Rule 8.5.4.6	N.P See Rule 8.5.4.11	<a href="#">See Part 6A.27.4.2</a>

**Note:** N.P = Not provided for by Rule 8.5.2

N.C = Non-Complying Activity

ha = hectares (1ha = 2.5 acres approx)



Part 8 - Subdivision

TABLE 5 - VARIATION TO MINIMUM AREAS FOR LOTS [in h.a.] - SEE RULE 8.5.3

Land Unit	1,2	3	4	5	6, 7, 8, 9, 10	11, 12	13, 14, 15	16	17,18, 19,23	20	21	22	24, 25	<a href="#">27</a>
Minimum Area	12	2	8	8	12	See Rule 8.5.3.2.B(b)	N.P See Rule 8.5.4.3	Non-Complying (N.C)	N.P See Rule 8.5.4.4	2	N.P See Rule 8.5.4.5	N.P See Rule 8.5.4.6	N.P. See Rule 8.5.4.11	<a href="#">See Part 6A.27.4.2</a>
Median Area	15	2.5	10	10	15					2.5				

Note: N.P = Not provided for



**Part 8 - Subdivision**

**TABLE 6-SPECIAL SUBDIVISIONS - SEE RULE 8.5.4.**

Protection of Significant Environmental Features	Special Rules for Particular Land Units	Re-subdivision of existing lots	Special Purpose lots	Policy Areas	Special two lot subdivision
Land units 1 to 10, and 20	Land Units 13 ,14, 15, 17 18, 19 21,22, 23,24,25.	All Land Units	All Land Units	All Land Units within Policy Areas 1-4 (Outer Islands)	Land units 1 to 10 only



**Part 8 - Subdivision**

**TABLE 7-SUBDIVISION IN POLICY AREAS -RULE 8.5.4.9.**

LOT SIZES	CLARIS P.A.3: Areas C and D only	MEDLANDS P.A. 2: SOUTH MEDLANDS AREA	MEDLANDS P.A.2: RESIDENTIAL AMENITY AREA	TRYPHENA P.A.1 AND FITZROY P.A.4
Minimum Area	750m <sup>2</sup>	5000m <sup>2</sup>	3000m <sup>2</sup>	5000m <sup>2</sup>
Average Area	1000m <sup>2</sup>	7000m <sup>2</sup>	4000m <sup>2</sup>	7000m <sup>2</sup>
Reduced Minimum Area (See Rule 8.5.4.9.B.b)	500m <sup>2</sup>	3000m <sup>2</sup>	2000m <sup>2</sup>	3000m <sup>2</sup>

**NOTE: FOR LOT SIZES IN THE MEDLANDS POLICY AREA, THE TABLE REFERS TO THE DIFFERENT PARTS OF THE AREA AS SHOWN ON POLICY AREA PLAN 2**

**TABLE 8 -PROTECTION OF SIGNIFICANT ENVIRONMENTAL FEATURES - SEE RULE 8.5.4.2.**

Land Units	1,2,6,7,8,9,10	3, 20	4, 5
Minimum Area	4ha	1.5ha	4.0ha
Median Area	7.5ha	2.0ha	5.0ha



## PART B: Make the following amendments (insertions and deletions) to Land Unit 25 - Wharf

### LAND UNIT 25 - WHARF

#### 6.25.0 DESCRIPTION

The Hauraki Gulf Islands rely primarily upon water transport for both passenger and freight movements. ~~Three~~ Two areas adjacent to the existing wharfs at ~~Matiatia~~, Rakino and Kennedy's Point have been included as the wharf land unit, to take into account the future planning needs for wharf related activities.

~~Kennedy's Point and Matiatia are the two major~~ is the second largest wharf facilities on Waiheke Island ~~and is~~ served by regular ferry sailings. In addition, there are more limited services provided to wharfs on Rakino and Pakatoa Islands. There are other wharfs and jetties on the Inner Islands which, in the main, operate outside the formal transport network, which fulfil a role for recreational boating activities.

As the termini for regular vehicular and passenger ferry sailings the wharfs at Kennedy's Point ~~and Matiatia~~ requires an areas of adjacent land to be properly identified to accommodate activities associated with the wharf operation, such as parking, visitor accommodation, freight and other ancillary services. There is also demand for appropriate areas at sheltered coastal locations to be set aside for recreational boating facilities.

#### 6.25.1 RESOURCE MANAGEMENT ISSUES

- Future needs for parking, passenger and freight movements, accommodation, recreation and associated wharf related activities.
- Recognition of the need to allow for the efficient operation of infrastructure and services to facilitate the movement of passengers, vehicles and freight.
- Ensuring the protection of the quality and natural character of the coastal environment.
- Ensuring the protection of the quality of water in the adjacent coastal marine area.
- Recognition of the need to protect the quality of the coastal landscape and amenity of coastal areas.
- Maintenance of public access to the coastline.

#### 6.25.2 RESOURCE MANAGEMENT STRATEGY

The resource management strategy for Land Unit 25 is to specifically limit activities within the land unit to those directly associated with sea transport termini. The strategy reflects the location of such facilities and activities within the coastal environment. The Plan's rules seek to ensure the protection of significant features of the coastal environment as well as maintenance of adequate water quality. Buildings and activities are therefore limited to those that have a direct linkage to maritime transport services and the Plan's rules seek to facilitate the creation of a man-made environment, sympathetic to and compatible with the natural environment and in particular its visual qualities.

~~In order to achieve the purposes of the strategy, Matiatia on Waiheke Island is specifically targeted in the Plan by using particular bulk and location standards which reflect both the scale and intensity of activities in that area, as well as the need for a more specifically structured approach to the built environment in order to secure an appropriate physical environment.~~

#### 6.25.3 OBJECTIVES AND POLICIES

##### 6.25.3.1 OBJECTIVE

*To provide for development which facilitates the efficient integration of water and associated land-based activities in a manner which caters for the needs of both residents and visitors.*

##### Policies

- A. By limiting commercial activities to those which provide a service to or have a direct link with maritime transport services.
- B. By facilitating the provision of efficient and economic transport services for wharf users.
- C. By ensuring that development proposals do not compromise the efficient movement of traffic, passengers and freight.



- D. By allowing for the location of recreation facilities appropriate to a wharf or coastal location.
- E. ~~By providing for a reserve area at Matiatia adjacent to the harbour to meet the need for passive recreational opportunities and provide for the enjoyment of coastal/harbour activities.~~

### 6.25.3.2 OBJECTIVE

*To ensure that future development within Land Unit 25 does not dominate or detract from the natural character or environmental quality of the coastline.*

#### Policies

- A. By directing future development so that it does not dominate or detract from the natural character of the coastal landscape especially the coastal edge.
- B. By protecting and enhancing the natural and physical amenities of the area by carefully controlling the design, bulk and location of buildings.
- C. By protecting adjoining coastal waters from degradation from stormwater, foulwater, effluent or impacts from development.
- D. ~~By appropriately landscaping areas E, E1 and D shown on Figure 8 so that the visual impacts of carparking and/or buildings are minimised and so that the amenity values of the "gateway" to the Island and Oneroa are enhanced.~~
- E. ~~By acquiring additional areas of carparking other than directly at the front of the bay in order to provide for future needs in a manner which enhances the coastal amenity values of Matiatia Harbour.~~

## 6.25.4 LAND UNIT RULES

### 6.25.4.1 PERMITTED ACTIVITIES

#### A. General Rules

All permitted activities located within Land Unit 25 shall:

- (a) Be associated with the provision of goods or services which facilitate the movement or accommodation of people and/or freight within or through the area, and
- (b) Maintain public access to the coastline, and

- (c) Any activity shall be a permitted activity where it:
  - (i) Conforms to the standards and terms contained in Part 6B, and
  - (ii) Meets the requirements of Rule 6.25.4.1B below;
  - (iii) except where it has been otherwise provided for in the rules for this land unit as a controlled, discretionary or prohibited activity.

#### B. Particular Rules

All permitted activities within Land Unit 25 must conform to the standards, and terms detailed below.

##### (a) ~~Services (Matiatia Wharf only)~~

##### (i) ~~Screening of Yards, Storage and Service Areas~~

~~Where any storage area or service area associated with any activity adjoins or is visible from any other area, building, reserve, or public open space, such storage or service area shall be screened by the erection of a wall or fence.~~

##### (a) (ii) Height of Buildings.

1. ~~The height limits of all buildings located within the Wharf Land Unit at Matiatia shall be determined by Figure 8 as follows:~~

Areas A, F, G	4m
Area B	8m
Area C	10m
Area D	8m
Area E, E1	No buildings shall be erected.

2. Rakino and Kennedy Point  
Maximum building height is 9m.

##### (b) (iii) Lot Coverage.

Coverage limits shall be as follows:

1. ~~Matiatia Wharf~~  
~~Any individual building within area A, B or C 350 m2.~~  
~~Any individual building within area D 500 m2.~~





~~The total coverage of all buildings within area G shall not exceed 200 m<sup>2</sup>.~~

2. ~~Rakino and Kennedy Point~~

~~Lot coverage shall be 25% or 1000m<sup>2</sup>, whichever is the lesser.~~

(iv) ~~Gross Dwelling Area. (Matiatia Wharf only)~~

~~The gross dwelling area of all buildings located within the visitor facilities precinct shall not exceed 5000 m<sup>2</sup>.~~

(v) ~~Building Separation Space. (Matiatia Wharf only)~~

~~All buildings (except decks, pergolas, conservatories and pools) located within the visitor facilities precinct shall be separated from the nearest adjacent building by a separation space of not less than the following:~~

~~Area B - 25m~~

~~Area C - 20m~~

~~Area D - 25m~~

~~Interpretation~~

~~Such separation space shall not be occupied by any building which impedes views between the buildings but may be occupied by buildings having an open or transparent character such as decks, conservatories or pergolas.~~

(b) ~~Location and Nature of Activities (Matiatia Wharf Only)~~

~~All permitted activities must be located in conformity with the Development Plan Figure 8.~~

(i) ~~In Area E1 the only permitted activities are:~~

~~Landscaping, public passive recreational uses and facilities (excluding buildings and commercial activities) and conservation activities including coastal protection works.~~

(ii) ~~In Area E1 no buildings or commercial activities are permitted.~~

(c) Conservation and Amenity.

All permitted activities within Land Unit 25 must conform to the conservation and amenity standards specified in Part 6B.

(d) Hazardous Substances.

All permitted activities within Land Unit 25 must conform to the hazardous substances standards contained in Part 6B.

## 6.25.4.2 CONTROLLED ACTIVITIES

### A. General Rules

Application must be made for a resource consent for a controlled activity under the following circumstances:

- (a) Where it is proposed to erect, alter or add to any building(s).

### B. Particular Rules

- (a) Any buildings shall meet the standards and terms contained in Part 6B.

### C. Controlled Activity Criteria For Buildings

The Council shall give consideration to the following criteria in assessing an application for a controlled activity to erect, alter or add to a building:

- (a) Location of buildings.

Buildings shall be located so as to complement and enhance the natural landforms within and surrounding the land unit. Buildings shall be so located that they neither form an obtrusive element in the coastal landscape nor compromise the appearance of the coastal edge when viewed from a seaward perspective.

~~The location of buildings at Matiatia shall conform to the landuse pattern indicated on the development plan (Figure 8) and shall maintain separation space between buildings so as to provide an open aspect from the bay.~~

- (b) Design and external appearance.

The Council shall encourage design proposals which recognise the important characteristics of the surrounding coastal environment including vegetation, topography and existing buildings within and adjacent to the land unit. External materials and finish must complement those existing in the surrounding natural and built landscape. Large areas of



reflective material or strongly contrasting colours should not be used.

Note: Reference will be made to the document Colour of Structures in the Landscape, Heath, T. for the interpretation of this criterion, (available at Auckland City Council Offices).

(c) Scale and form of buildings.

The scale and form of buildings shall be in sympathy with the landforms of the land unit and surrounding area, and complement the scale and form of existing buildings in the vicinity. The Council shall not permit development where the bulk, unrelieved mass or repetitive nature of the buildings will form an obtrusive element in coastal landscapes or impede views.

(d) Any extension or alteration to an existing building shall:

- (i) comply with (a) - (c) above,
- (ii) be sympathetic to the design and external appearance of the existing building.

(e) Landscaping.

Any development proposal shall include appropriate landscaping to enhance amenities. The Council shall encourage landscaping which complements the appearance of buildings and aids privacy between buildings. Landscaping proposals must be sympathetic to the existing coastal landscape and incorporate species appropriate to a coastal location and should recognise existing species of significance in the locality. A landscape implementation plan must be submitted to the Council as part of any application for a controlled activity and shall include consideration of any ongoing maintenance necessary to ensure the survival of any planted species.

(f) Parking and service areas.

Any carparking or service area must be suitably designed and screened so as to enhance any proposed development, by reducing visual impact to minimise detracting from amenities and the appearance of the coastal landscape, particularly the coastal edge. Suitable material for paving and fencing, and suitable planting must be established to create a safe and harmonious environment in keeping with the objectives and policies for the land unit. All development must acknowledge and give priority to the

movement of people and freight to and from the wharf. The location and design of vehicle parking areas for all uses in the land unit must ensure safe and efficient pedestrian and vehicular access for wharf users.

#### D. Controlled Activity Conditions

In granting consent to a controlled activity in Land Unit 25 the Council may impose conditions relating to any or all of the following matters:

- (a) Removal or retention of vegetation.
- (b) Landscaping.
- (c) Drainage.
- (d) Visual screening of buildings, or yards.
- (e) Orientation, cladding, form and colour of buildings.
- (f) Location of buildings on a site.
- (g) The height of buildings.
- (h) Location and construction of vehicle entry, egress, manoeuvring and parking.

### 6.25.4.3 DISCRETIONARY ACTIVITIES

#### A. General Rules

Application must be made for a resource consent for a discretionary activity consent under the following circumstances:

- (a) Where it is proposed to vary any of the standards or terms for permitted activities contained in Part 6B or;
- (b) Where an activity is listed in rule 6.25.4.3.B below or;
- (c) Where consent to subdivide land to create a lot pursuant to the rules contained in Part 8 of this Plan is sought.
- (d) Where it is proposed to vary any of the bulk and location standards for permitted activities contained in Rule 6.25.4.1B. An application for a discretionary activity consent may only be granted to vary those standards by an additional 10% above the standards specified in Rule 6.25.4.1B.

#### B. Listed Discretionary Activities

- (a) Marine Industry
  - (i) No wastes, whether solid or liquid, shall be stored and disposed of so that water quality is detrimentally affected.



- (ii) No activity shall affect or impede the efficiency of vehicle or pedestrian movement in the area.
- (iii) No activity shall directly or indirectly impede or constrain the movement of passengers and freight to and within the land unit.
- (iv) No activity shall impede or reduce public access to and across the foreshore area.

(b) Community Facilities

- (i) Any community facility shall be directly related to recreational use of the Hauraki Gulf and;
- (ii) Any community facility shall specifically require to be located in the land unit by virtue of characteristics of the activity.

(c) Helipads

The above activities are automatically discretionary activities as they need particular assessment in this land unit because of potential effects.

Any standard specified in Part 6F (Assessment criteria for listed discretionary activities) shall prevail over a parallel standard in Part 6C.

**C. Consideration Of Applications**

- (a) An application for a discretionary activity will be assessed in terms of the criteria contained in Part 6E and in the case of a listed discretionary activity, in terms of Part 6F as well, and;
- (b) An application for a discretionary activity may only be granted to vary the standards contained in Part 6C unless otherwise provided for elsewhere in the Plan, and;
- (c) Where consent for a discretionary activity is sought in terms of more than one of the provisions of Rule 6.25.4.3.A the Council will consider applications together, and;
- (d) Any standard or term in Part 6F shall prevail over a parallel standard or term in Part 6C.

**6.25.5 OTHER REQUIREMENTS AND INFORMATION**

The information and requirements outlined in Parts 6B-6G must be referred to prior to making an application for any resource consent.

**6.25.6 SUBDIVISION**

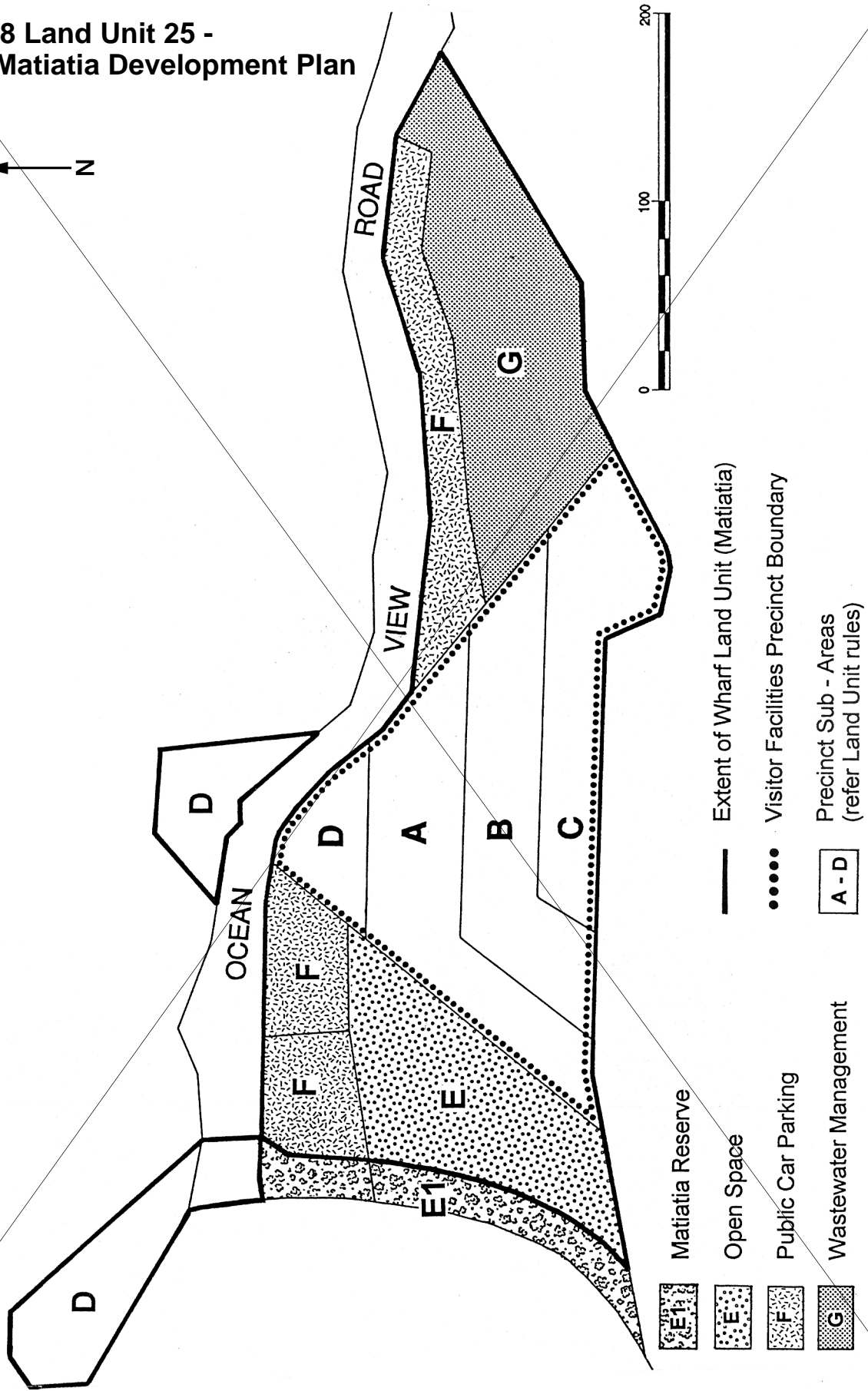
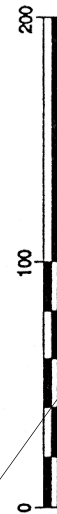
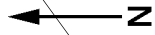
The rules for subdivision are contained in Part 8 of the Plan.

**6.25.7 HERITAGE**

The rules relating to heritage protection are contained in Part 10 of the Plan.



**Figure 8 Land Unit 25 -  
Wharf Matiatia Development Plan**



- Matiatia Reserve
- Open Space
- Public Car Parking
- Wastewater Management
- Extent of Wharf Land Unit (Matiatia)
- Visitor Facilities Precinct Boundary
- Precinct Sub - Areas (refer Land Unit rules)

